



Tr.C.M.P.No.1228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1228 of 2024

and

C.M.P.No.26794 of 2024

Chitraselvi

.. Petitioner

Vs.

Sudhan

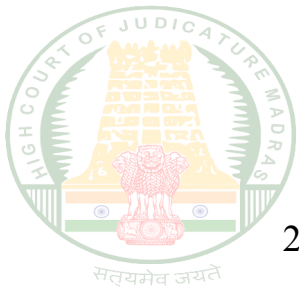
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the F.C.O.P.No.193 of 2024 pending on the file of the Family Court, Ariyalur and transfer the same to the Sub Court, Tiruvarur.

For Petitioner : Mr.N.Palanivel
For Respondent : Mr.M.Himavanth

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of F.C.O.P.No.193 of 2024 from the file of the Family Court, Ariyalur and transfer the same to the file of the Sub Court, Tiruvarur.



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2.I heard both sides. I have gone through the affidavit.

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3.The petitioner married the respondent on 31.08.2018. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.115 of 2024 for divorce before the Sub Court, Tiruvarur. The respondent/husband initiated proceedings in F.C.O.P.No.193 of 2024 for restitution of conjugal rights before the Family Court, Ariyalur. Pleading that the wife is residing in Tiruvarur and unable to travel from Tiruvarur to Ariyalur, she has moved this transfer petition.

4.The Parliament, while amending the Hindu Marriage Act, has incorporated Section 19(iii), permitting a wife to initiate a proceeding in a place where she is residing. This is an indication to the Court that the convenience of the wife has to be given precedence by the Court. In line with this Parliamentary amendment, this Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Tiruvarur and Ariyalur is considerable and since it will be difficult



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for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, F.C.O.P.No.193 of 2024 is withdrawn from the file of the Family Court, Ariyalur and transferred to the file of the Sub Court, Tiruvarur. The learned Subordinate Judge at Tiruvarur, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.115 of 2024, which is said to be pending on his file.

6. With the above observations, the Transfer Petition is ordered. Consequently, connected miscellaneous petition is closed. No costs.

24.01.2025

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.

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- To
- 1.The Judge,
Family Court,
Ariyalur.
 - 2.The Subordinate Judge,
Sub Court, Tiruvarur.

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24.01.2025