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Tr.C.M.P.No.1255 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1255 of 2024

D.Anitha

.. Petitioners

Vs.

1.D.Kesavan

2.D.Jayalakshmi

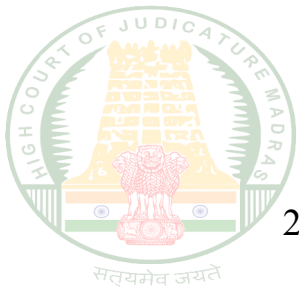
.. Respondents

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw D.V.C.No.18 of 2024 from the Additional Mahila Court, Alandur (Magistrate Level) and transfer before the Judicial Magistrate Court-I, Krishnagiri.

For Petitioner : Ms.S.Sridevi
For Respondents : Ms.R.Sripriya

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of D.V.C.No.18 of 2024 from the file of the Additional Mahila Court, Alandur (Magistrate Level), and transfer the same to the file of the Judicial Magistrate Court-I, Krishnagiri.

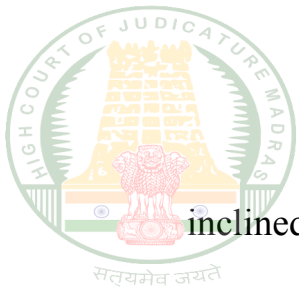


2.I heard both sides. I have gone through the affidavit.

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3.The petitioner married the 1st respondent on 16.02.2004. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioner initiated proceedings in D.V.C.No.18 of 2024 to hand over the gold jewels and to pay compensation to her before the Additional Mahila Court, Alandur (Magistrate Level). Pleading that the petitioner is now residing in Krishnagiri and unable to travel from Krishnagiri to Alandur, 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 Krishnagiri and Alandur is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am



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inclined to accept the transfer.

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5. Accordingly, D.V.C.No.18 of 2024 is withdrawn from the file of the Additional Mahila Court, Alandur (Magistrate Level), and transferred to the file of the Judicial Magistrate Court-I, Krishnagiri.

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

31.01.2025
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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The Additional Mahila Judge,
Additional Mahila Court,
(Magistrate Level),
Alandur.

2. The Judicial Magistrate-I,
Judicial Magistrate Court-I,
Krishnagiri..

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V.LAKSHMINARAYANAN, J.

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