



Tr.C.M.P.No.1242 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.1242 of 2024
and C.M.P.No.26975 of 2024

M.Deivanai

.. Petitioner

Vs.

G.Gowdhaman

.. Respondent

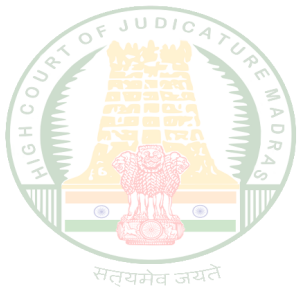
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the H.M.O.P.No.76 of 2024 on the file of the Principal Sub Court, Trichirapalli and transfer the same to the file of Sub Court, Ambattur.

For Petitioner : Mr.A.M.Venkata Krishnan

For Respondent : Mr.Arun Karthik Mohan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.76 of 2024 from the file of the Principal Sub Court, Trichirapalli and transfer the same to the file of the Sub Court, Ambattur.



Tr.C.M.P.No.1242 of 2024

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

3.The petitioner married the respondent on 20.05.2009. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.76 of 2024 for divorce before the Principal Sub Court, Trichy. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Trichy, 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 Chennai and Trichy is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined



Tr.C.M.P.No.1242 of 2024

to accept the transfer.

WEB COPY

5. Accordingly, H.M.O.P.No.76 of 2024 is withdrawn from the file of the Principal Sub Court, Trichy, and transferred to the file of the Sub Court, Ambattur.

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

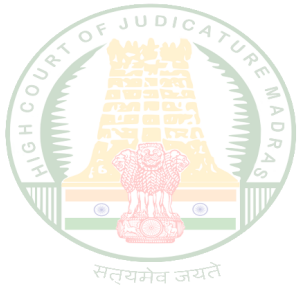
To

1. The Principal Subordinate Judge,
Principal Sub Court, Trichy.

2. The Subordinate Judge,
Ambattur.

V.LAKSHMINARAYANAN, J.

krk



WEB COPY



Tr.C.M.P.No.1242 of 2024

Tr.C.M.P.No.1242 of 2024

24.01.2025