



Tr.C.M.P.No.1274 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.1274 of 2024
and C.M.P.No.27568 of 2024

Kannayee @ R.Iswarya

.. Petitioner

Vs.

Venkatesan

.. Respondent

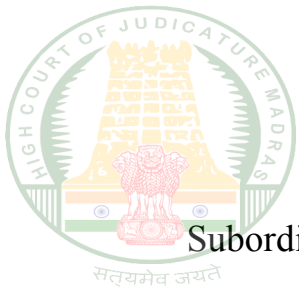
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the case in H.M.O.P.No.97 of 2024 on the file of the Principal Subordinate Court, Tindivanam, Villupuram District and the same may be transferred to the Sub Court, Vandavasi, Thiruvannamalai District.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.B.R.Sivasubramaniam

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.97 of 2024 from the file of the Principal



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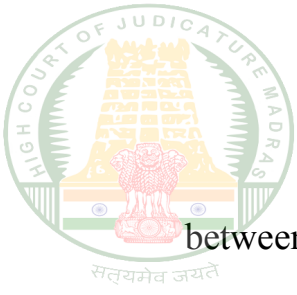
Subordinate Court, Tindivanam, Villupuram District, and transfer the same to the file of the Sub Court, Vandavasi, Thiruvannamalai District.

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

3.The petitioner married the respondent on 03.09.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.97 of 2024 for restitution of conjugal rights before the Principal Subordinate Court, Tindivanam, Villupuram District. Pleading that the wife is residing in Thiruvannamalai and unable to travel from Thiruvannamalai to Tindivanam, 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



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between Thiruvannamalai and Tindivanam is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.97 of 2024 is withdrawn from the file of the Principal Subordinate Court, Tindivanam, Villupuram District, and transferred to the file of the Sub Court, Vandavasi, Thiruvannamalai District.

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

24.01.2025

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

V.LAKSHMINARAYANAN, J.



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To

- 1.The Principal Subordinate Judge,
Principal Subordinate Court, Tindivanam,
Villupuram District.
- 2.The Subordinate Judge,
Sub Court, Vandavasi,
Thiruvannamalai District.

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