



Tr.C.M.P.No.1297 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.1297 of 2024
and C.M.P.No.28063 of 2024

S.Divyashree

.. Petitioner

Vs.

M.Aravind

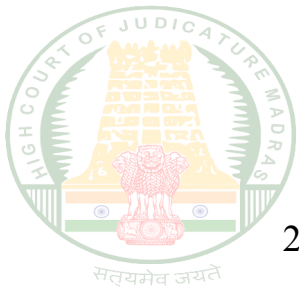
.. Respondent

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.584 of 2024 on the file of Family Court, Puducherry, filed by the respondent and transfer the same to Subordinate Court at Bhavani, Erode District.

For Petitioner : Mr.P.Chandrasekaran
For Respondent : Mr.V.Ramanareddy

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.584 of 2024 from the file of the Family Court, Puducherry and transfer the same to the file of the Sub Court, Bhavani, Erode District.



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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 15.02.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.584 of 2024 for divorce before the Family Court, Puducherry. The petitioner / wife initiated proceedings in D.V.C.No.1 of 2024 before the Judicial Magistrate Court, Kumarapalayam. Pleading that the wife is residing in Namakkal District and unable to travel from Namakkal to Puducherry, 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 Namakkal and Puducherry is considerable, I am inclined to accept the transfer.



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WEB COPY 5. Accordingly, H.M.O.P.No.584 of 2024 is withdrawn from the file of the Family Court, Puducherry, and transferred to the file of the Sub Court, Bhavani, Erode District.

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 Judge,
Family Court, Puducherry.

2. The Subordinate Judge,
Sub Court, Bhavani,
Erode District.

V.LAKSHMINARAYANAN, J.

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