



Tr.C.M.P.No.1304 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.1304 of 2024
and C.M.P.No.28363 of 2024

U.Santoshi

.. Petitioner

Vs.

K.C.Dilleep

.. Respondent

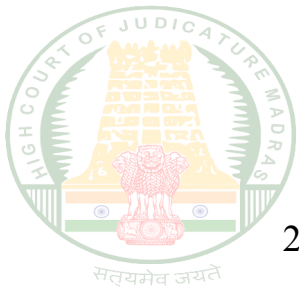
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw H.M.O.P.No.29 of 2024 on the file of the Subordinate Court, Palladam and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.S.Arivalagan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.29 of 2024 from the file of the Sub Court, Palladam and transfer the same to the file of the Family Court, Chennai.



Tr.C.M.P.No.1304 of 2024

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

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3.The petitioner married the respondent on 19.05.2019. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.29 of 2024 for restitution of conjugal rights before the Principal Sub Court, Palladam. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Palladam, 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 Palladam 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 to accept the transfer.



Tr.C.M.P.No.1304 of 2024

WEB COPY 5. Accordingly, H.M.O.P.No.29 of 2024 is withdrawn from the file of the Principal Sub Court, Palladam, and transferred to the file of the III Additional Family Court, Chennai.

6. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

7. 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.



Tr.C.M.P.No.1304 of 2024

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- To
- 1.The Principal Subordinate Judge,
Principal Sub Court, Palladam.
 - 2.The III Additional Judge,
III Additional Family Court,
Chennai.

Tr.C.M.P.No.1304 of 2024

24.01.2025