



Tr.C.M.P.No.1308 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.1308 of 2024
and C.M.P.No.28453 of 2024

N.Ceaily Shamini

.. Petitioner

Vs.

V.Niranjan

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdrawal of S.M.O.P.No.1450 of 2024 which is pending on the file of the Family Court, Madurai and transfer the same to the Family Court at Chennai.

For Petitioner : Mr.M.Gnanasekar
For Respondent : Mr.G.Anto Prince

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of S.M.O.P.No.1450 of 2024 from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Chennai.

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



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WEB COPY 3.The petitioner married the respondent on 29.04.2019. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in S.M.O.P.No.1450 of 2024 for divorce before the Family Court, Madurai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Madurai, 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 Madurai is considerable, I am inclined to accept the transfer.

5.Accordingly, S.M.O.P.No.1450 of 2024 is withdrawn from the file of the Family Court, Madurai, and transferred to the file of the Family Court,



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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.

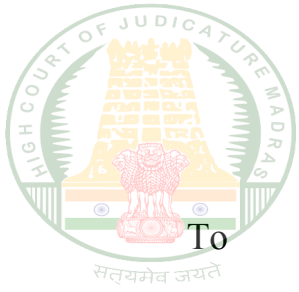
24.01.2025

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

V.LAKSHMINARAYANAN, J.

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1.The Judge,
Family Court,
Madurai.

2.The Judge,
Family Court,
Chennai.

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