



Tr.C.M.P.No.1326 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.1326 of 2024
and C.M.P.No.28689 of 2024

Kaviya Gopinath

.. Petitioner

Vs.

C.Naveen Prabhu

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the H.M.O.P.No.221 of 2024 on the file of the Sub Court at Alandur pending before it for trial and disposal to Sub Court at Chidambaram to try and dispose of the same.

For Petitioner : Mr.R.T.Vijayaraaghavan
For Respondent : Not ready in notice

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.221 of 2024 from the file of the Sub Court, Alandur and transfer the same to the file of the Sub Court, Chidambaram.

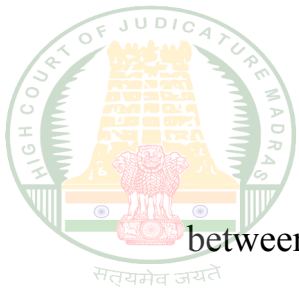


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WEB COPY 2.I heard Mr.R.T.Vijayaraaghavan and I have gone through the affidavit.

3.The petitioner married the respondent on 08.02.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.221 of 2024 to dissolve the marriage solemnized between the petitioner and the respondent on 08.02.2021 before the Sub Court, Alandur. Pleading that the wife is residing in Chidambaram and unable to travel from Chidambaram to Alandur, 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 Chidambaram and Alandur is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.221 of 2024 is withdrawn from the file of the Sub Court, Alandur, and transferred to the file of the Sub Court, Chidambaram.

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 Subordinate Judge,
Sub Court, Alandur.
2. The Subordinate Judge,
Sub Court, Chidambaram.



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V.LAKSHMINARAYANAN, J.

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