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Tr.C.M.P.No.1333 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.1333 of 2024

and

C.M.P.No.28768 of 2024

G.Sree Subiksha

.. Petitioner

Vs.

P.Logesh

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the case in H.M.O.P.No.579 of 2024 on the file of the Principal Family Court, Coimbatore to the Sub Court, Mettupalayam and try both the afore-mentioned cases for joint trial.

For Petitioner : Mr.M.Mahamani

For Respondent : Mr.M.Dinesh

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.579 of 2024 from the file of the Principal Family



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Court, Coimbatore and transfer the same to the file of the Sub Court, Mettupalayam.

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

3.The petitioner married the respondent on 18.12.2023. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.30 of 2024 for divorce before the Sub Court, Mettupalayam. The respondent/husband initiated proceedings in H.M.O.P.No.579 of 2024 for restitution of conjugal rights before the Family Court, Coimbatore. Pleading that the wife is residing in Mettupalayam and unable to travel from Mettupalayam to Coimbatore, 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



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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 Mettupalayam and Coimbatore is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.579 of 2024 is withdrawn from the file of the Principal Family Court, Coimbatore and transferred to the file of the Sub Court, Mettupalayam. The learned Subordinate Judge at Mettupalayam, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.30 of 2024, which is said to be pending on his file.

6. The learned Subordinate Judge at Mettupalayam, may hear the parties on whether they are willing for the mediation. If they are interested, the learned Subordinate Judge at Mettupalayam shall refer the parties to the Mediation Centre attached to the Family Court at Coimbatore.

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



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

To

- 1.The Principal Judge,
Principal Family Court,
Coimbatore.
- 2.The Subordinate Judge,
Sub Court, Mettupalayam.

V.LAKSHMINARAYANAN, J.

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