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Tr.C.M.P.No.1355 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.1355 of 2024
and C.M.P.No.29226 of 2024

S.Gayathri

.. Petitioner

Vs.

P.Sivakumar

.. 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.270 of 2024 pending on the file of the Family Court at Thiruvallur and transfer the same to the Sub Court at Thiruvotriyur.

For Petitioner : Ms.K.Sridevi

For Respondent : Ms.K.Padmini

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.270 of 2024 from the file of the Family Court, Thiruvallur and transfer the same to the file of the Sub Court, Thiruvotriyur.



Tr.C.M.P.No.1355 of 2024

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

3.The petitioner married the respondent on 30.10.2017. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.270 of 2024 for divorce before the Family Court, Thiruvallur. Pleading that the wife is residing in Madhavaram and unable to travel from Madhavaram to Thiruvallur, 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 Madhavaram and Thiruvallur is considerable, I am inclined to accept the transfer.



Tr.C.M.P.No.1355 of 2024

5. Accordingly, H.M.O.P.No.270 of 2024 is withdrawn from the file of the Family Court, Thiruvallur and transferred to the file of the Sub Court, Thiruvotriyur.

6. 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

To

1. The Judge,
Family Court, Thiruvallur.

2. The Subordinate Judge,
Sub Court, Thiruvotriyur.

V.LAKSHMINARAYANAN, J.



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