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Tr.C.M.P.No.9 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.9 of 2025  
& C.M.P.No.365 of 2025

R.Sakthivel

.. Petitioner

Vs

M.Deebha

.. Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.47 of 2024 pending on the file of the Family Court at Karaikal and transfer the same to the file of the Family Court at Dharmapuri.

For Petitioner : Mr.M.Venkatesh  
for Mr.R.Jayaprakash

### **ORDER**

The petitioner married the respondent on 19.02.2024. On account of serious disputes and differences, the parties have separated within a



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couple of the month of their marriage. The respondent/wife has filed H.M.O.P.No.47 of 2024 on the file of the Family Court at Karaikal invoking Section 11 of the Hindu Marriage Act, 1955. The respondent, being a practising Advocate in Dharmapuri District, pleads he finds it difficult to travel from Dharmapuri to Karaikal as the two cities are separated by 300 kilometers. He states that he has his cases to handle in Dharmapuri and on account of pendency of H.M.O.P.No.47 of 2024 in Karaikal, it is affecting his practice at Dharmapuri. Hence, this transfer.

2. I heard Mr.M.Venkatesh for the transfer petitioner. I have gone through the affidavit.

3. In terms of Section 19(iii)(a) of the Hindu Marriage Act, a divorce petition can be filed before the Court, within whose jurisdiction the wife is residing on the date of presentation of the petition. The wife, being a resident of Karaikal, has invoked the jurisdiction of Karaikal Court and has presented the petition.

4. When it comes to matters of transfer, the convenience of the wife has to be given more importance than that of the husband. For the



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fact that the petitioner is Advocate, who is having a practice in Dharmapuri, I am not inclined to drag a woman, who is hardly 24 years old, from Karaikal to Dharmapuri. If Karaikal and Dharmapuri are separated by 300 kilometres for the husband and I am sure, it is the same distance when it comes to the wife also.

5. The grievance of the petitioner is that he is unable to present himself before the Court at Karaikal for every date of hearing. This can be addressed by giving a direction to the learned Family Judge to dispense with the appearance of the petitioner for all procedural and non-essential hearings.

6. In the light of the above discussions, the transfer civil miscellaneous petition is dismissed on the following directions:

(i) The learned Family Judge at Karaikal need not insist upon the appearance of the husband for every hearing.

(ii) The husband shall present himself for essential hearings or when his presence is indispensable or when so specifically directed by the learned Judge.

(iii) For all other non essential procedural hearings, the husband



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will be represented through the counsel.

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(iv) At this stage, learned counsel for the petitioner pleads that in case the matter is referred to mediation, there is a possibility of settlement. The learned Family Judge at Karaikal is requested to ascertain the wishes of the parties and if they are willing, he shall refer the parties to the Mediation Centre attached to the Family Court at Karaikal.

No costs. Consequently, connected miscellaneous petition is closed.

**08.01.2025**

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

The Family Court at Karaikal.



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**V. LAKSHMINARAYANAN,J.**

Kj

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