



TR.CMP(MD)No.17 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.17 of 2024
and
C.M.P.(MD)No.246 of 2024

Sathiyabama

...Petitioner

Vs

Umeswaran

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to pass an order to withdraw the case H.M.O.P.No.1 of 2020 on the file of Sub Judge, Devakottai, Sivagangai District to transfer the same to on file of Family Court, Ramanathapuram, Ramanathapuram District for adjudication.

For Petitioner : Mr.D.Balamuruga Pandi

For Respondent : Mr.D.Venkatesh



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.1 of 2020 from the file of Subordinate Judge, Devakottai, Sivagangai District and transfer the same to the file of Family Court, Ramanathapuram.

2.Heard Mr.D.Balamuruga Pandi learned counsel for petitioner and Mr.D.Venkatesh, learned counsel for respondent.

3.Petitioner married the respondent on 08.06.2016, according to Hindu rites and customs. From the wedlock, they were blessed with a child. Due to disputes and differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.1 of 2020 for divorce before Subordinate Court, Devakottai, Sivagangai District. Pleading that wife is residing in Ramanathapuram and unable to travel from Ramanathapuram to Devakottai, she has moved this transfer petition.

4.Mr.D.Venkatesh, learned counsel for respondent filed a counter affidavit and on instructions from respondent submitted that respondent



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has no objection to transfer HMOP.No.01 of 2020, on the file of Subordinate Court, Devakottai, Sivagangai District to the file of Family Court, Ramanathapuram.

5.It is relevant to note that 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 that 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, convenience of wife should be given a superior consideration than that of husband. As the distance between Ramanathapuram and Devakottai is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6.In view thereof, HMOP No.01 of 2020 pending on the file of Subordinate Judge, Devakottai, Sivagangai District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Ramanathapuram. Learned Family Court, Ramanathapuram, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six



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months.
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7.The Family Court need not insist upon the appearance of husband on all hearing dates. For non-essential and procedural hearings, husband will be represented by a counsel. He shall, however, present himself before the Court, when Trial Court passes a specific order for his appearance or when his presence is indispensable.

8.With the above observations, the Transfer Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking

04.12.2025

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To

1.Subordinate Judge, Devakottai,
Sivagangai District.

2.Judge, Family Court,
Ramanathapuram, Ramanathapuram District.



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MOHAMMED SHAFFIQ, J.

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