



Tr.C.M.P.(MD)No.40 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2025

CORAM

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.40 of 2024

and

C.M.P.(MD)No.477 of 2024

Kirthiga

.. Petitioner

Vs.

Rajeshkumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.484 of 2022 pending on the file of the Family Court, Trichy, Trichy District and transfer the same to the file of the Family Court, Thanjavur, Thanjavur District and consequently, direct the transferee Court to deal with the said case in accordance with law.

For Petitioner : Mr.Dhilipan Pandian R L

For Respondent : Mr.S.Abuthaheer



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ORDER

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This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.484 of 2022 from the file of the Family Court, Trichy, Trichy District and transfer the same to the file of Family Court, Thanjavur, Thanjavur District.

2. Heard Mr.Dhilipan Pandian R L, learned counsel for petitioner and Mr.S.Abuthaheer, learned counsel for respondent.

3. Petitioner married the respondent on 20.08.2021, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.484 of 2022 for divorce before Family Court, Trichy, Trichy District. Pleading that wife is residing in Thanjavur and unable to travel from Thanjavur to Trichy, she has moved this transfer petition.

4. Mr.S.Abuthaheer, learned counsel for respondent submitted that respondent may have some difficulty, if he is required to travel and be physically present for all the hearings.



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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 Thanjavur and Trichy is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.

6. In view thereof, HMOP No.484 of 2022 pending on the file of Family Court, Trichy, Trichy District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Thanjavur, Thanjavur District. Learned Family Court, Thanjavur, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7. The Family Court need not insist upon the physical appearance of husband on all hearing dates and permitted to appear through Video Conference. For non-essential and procedural hearings, husband will be



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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 disposed of. There is no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

12.12.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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To

1.The Family Court,
Trichy.

2.The Family Court,
Thanjavur.



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MOHAMMED SHAFFIQ, J.

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