



TR CMP(MD). No.78 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.12.2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.78 of 2024

and

CMP(MD)No.1292 of 2024

Anushiya @ Shanmugavalli
D/o.Late.Bavanatham

... Petitioner

Vs.

Rajkumar
S/o.Jeyakkumar

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to pass on order to withdraw the case H.M.O.P.No.16 of 2022 on the file of Sub Court, Sivakasi, Virudhunagar District to transfer the same to the file of Family Court, Madurai District for adjudication and thus render justice.

For Petitioner : Mr. D.Balamurugapandi

For Respondent : Mr.R.Manickam



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ORDER

This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of H.M.O.P.No.16 of 2022 from the file of Sub Court, Sivakasi, Virudhunagar District and transfer the same to the file of Family Court, Madurai.

2. Heard Mr.D.Balamurugapandi, learned counsel for petitioner and Mr.R.Manickam, 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. It is the case of wife that she would have to travel a distance of more than 80Kms from Madurai to Sub Court, Sivakasi, Virudhunagar District, to effectively defend the case filed against her by the husband/respondent. That apart, she also expresses as she needs to take care of her mother, which fact remains un-controverted. In such circumstances, taking into



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account the rationale behind Section 21-A(2)(b) of the Hindu Marriage Act, 1955, this Court is of the considered view that the balance of convenience is in favour of conducting the proceedings of both cases at the Court within whose territorial limits of jurisdiction the residence of the wife is located.

4. Mr.R.Manickam, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer H.M.O.P.No.16 of 2022, from the file of Sub Court, Sivakasi, Virudhunagar District to the file of Family Court, Madurai.

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 Madurai and Sivakasi is considerable and since it



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will be difficult for the wife to travel and attend the Court, I am inclined to accept the transfer.

6. In view thereof, H.M.O.P. No.16 of 2022 pending on the file of Sub Court, Sivakasi, Virudhunagar District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai District. The Judge, Family Court, Madurai District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of eight months.

7. Family Court, Madurai may not insist upon the physical presence of husband on all hearing dates and permit to appear through Video Conferencing. For non-essential and procedural hearings, he may be permitted to be represented through 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.



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8. With the above observations, the Transfer Petition is allowed.

There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

11.12.2025

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

To

1. The Judge,
Sub Court,
Sivakasi,
Virudhuangar District.

2.The Judge,
Family Court,
Madurai District.



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MOHAMMED SHAFFIQ,J.

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