



TR.CMP(MD)No.134 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.134 of 2024

and

C.M.P.(MD)No.2755 of 2024

Pavithra

...Petitioner

Vs

Raja Durai

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw and transfer the case in H.M.O.P. No. 359 of 2023 on the file of Family court, Dindigul, Dindigul District to Family Court Trichy, Trichy District.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.A.Arul Jenifer

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.359 of 2023 from the file of Family Court, Dindigul and transfer the same to the file of Family Court, Trichy.



TR.CMP(MD)No.134 of 2024

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2.Heard Mr.S.Balaji, learned counsel for petitioner and Mr.A.Arul Jenifer, learned counsel for respondent.

3.Petitioner married the respondent on 15.02.2018, according to Hindu rites and customs. Due to disputes and differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.359 of 2023 for divorce before Family Court, Dindigul. Pleading that wife is residing in Trichy and unable to travel from Trichy to Dindigul, she has moved this transfer petition.

4.Mr.A.Arul Jenifer, learned counsel for respondent opposes the transfer contending that there is a life threat to him at Trichy, which is denied by learned counsel for petitioner, who undertakes that there would not be any form of threat to the respondent by petitioner or her family members and he has also made an endorsement to that effect in the Court record.

5.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



TR.CMP(MD)No.134 of 2024

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 Trichy and Dindigul is considerable, I am inclined to accept the prayer for transfer.

6.In view thereof, HMOP No.359 of 2023 pending on the file of Family Court, Dindigul District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Trichy. Learned Family Court, Trichy, 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 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.



TR.CMP(MD)No.134 of 2024

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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.

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

04.12.2025

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To

1. Judge, Family Court, Dindigul.

2. Judge, Family Court, Trichy.



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TR.CMP(MD)No.134 of 2024

MOHAMMED SHAFFIQ, J.

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TR.CMP(MD)No.134 of 2024

04.12.2025