



Tr.C.M.P.(MD)No.132 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.132 of 2024

and

C.M.P.(MD)No.2741 of 2024

R.Renukadevi

.. Petitioner

Vs.

K.K.Prakashram

.. 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.777 of 2023 pending on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Paramakudi.

For Petitioner : Mr.D.Packiaraj

For Respondent : Mr.S.Manoharan



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.777 of 2023 from the file of the Family Court, Madurai and transfer the same to the file of Sub Court, Paramakudi.

2. Heard Mr.D.Packiaraj, learned counsel for petitioner and Mr.S.Manoharan, learned counsel for respondent.

3. Petitioner married the respondent on 18.05.2005, according to Hindu rites and customs. Out of wedlock, two children were born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.777 of 2023 for dissolution of marriage before Family Court, Madurai. Pleading that wife is residing in Ramanathapuram and unable to travel from Ramanathapuram to Madurai, she has moved this transfer petition.

4. Mr.S.Manoharan, learned counsel for respondent, on instructions from respondent, submitted that respondent has no objection to transfer



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HMOP.No.777 of 2023, on the file of Family Court, Madurai to the file of Sub Court, Paramakudi.

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 Madurai is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

6. In view thereof, HMOP No.777 of 2023 pending on the file of Family Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Paramakudi. Learned Sub Court, Paramakudi, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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7. With the above observations, the Transfer Petition is allowed. 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,
Madurai.

2.The Sub Court,
Paramakudi.



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MOHAMMED SHAFFIQ, J.

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