



TR.CMP(MD)No.248 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.248 of 2025

and

C.M.P.(MD)No.6546 of 2025

Athilakshmi

... Petitioner

Vs

Palraj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.20 of 2025 on the file of the II Additional Sub Court, Villupuram, Villupuram District and Transfer the same to the Family Court, Srivilliputhur, Virudhunagar District and allow this Transfer civil miscellaneous petition.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.A.Balaji



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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.20 of 2025 from the file of II Additional Sub Court, Villupuram and transfer the same to the file of Family Court, Srivilliputhur, Virudhunagar District.

2.Heard Mr.M.Jothi Basu, learned counsel for petitioner and Mr.A.Balaji, learned counsel for respondent.

3.Petitioner married the respondent on 27.08.2015, according to Hindu rites and customs. Out of wedlock, a child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.20 of 2025 for divorce before II Additional Sub Court, Villupuram. Pleading that wife is residing in Virudhunagar and unable to travel from Virudhunagar to Villupuram, she has moved this transfer petition.

4.Mr.A.Balaji, learned counsel for respondent filed a memo and on instructions from respondent submitted that respondent has no objection to transfer HMOP.No.20 of 2025, on the file of II Additional Sub Court,



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Villupuram to the file of Sub Court, Rajapalayam.

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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 Virudhunagar and Villupuram 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.20 of 2025 pending on the file of II Additional Sub Court, Villupuram, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Rajapalayam. Sub Court, Rajapalayam, 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, connected Miscellaneous Petition is closed.

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

04.12.2025

LR

To

1. II Additional Sub Court, Villupuram.

2. Sub Court, Rajapalayam



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MOHAMMED SHAFFIQ, J.

LR

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