



TR CMP(MD). No.301 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.12.2025

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.301 of 2024
and CMP(MD)No.6926 of 2024**

Sujatha, ... Petitioner

Vs.

Narasimman, ... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P. No.41 of 2024 on the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Trichy and tried along with M.C. No.36 of 2024 on the file Family Court, Trichy.

For Petitioner : Mr.T.Leninkumar,

For Respondent : Mr.Raja Karthikeyan

ORDER

This application invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, viz., Narasimman, has filed H.M.O.P. No. 41 of 2023 seeking for restitution of conjugal rights with his Wife, viz., Sujatha,



TR CMP(MD), No.301 of 2024

in the Family Court, Villupuram, which is sought to be transferred by the Wife to the Family Court, Trichy.

2. Heard Mr.T.Lenin Kumar, Learned Counsel for Wife and Mr. Raja Karthikeyan, Learned counsel for husband perused the material placed on record, apart from the pleadings of the parties.

3. The petitioner married the respondent on 16.02.2011. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.41 of 2024 for restitution of conjugal rights before the Family Court Villupuram. The petitioner/wife initiated proceedings in M.C.No.36 of 2024 for maintenance before the Family Court, Trichy. Learned counsel for petitioner would submit that the petitioner / wife would have to travel a distance of more than 350 kms from Trichy to the Family Court, Villupuram to effectively defend the case filed against her by the Husband. That apart, she also expresses difficulty in attending in as much as she has to take care of her child, aged about five years. Hence, she has moved this transfer petition.



TR CMP(MD). No.301 of 2024

4. Learned counsel for respondent / husband would submit that it may be transferred to any Court between Trichy and Villupuram.

5. This Court does not find any merit in the above submission.

6. This Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Trichy 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.

7. Accordingly, H.M.O.P.No.41 of 2024 is withdrawn from the file of the Family Court, Villupuram, and transferred to the file of the Family Court, Trichy. The learned Judge, Family Court, Trichy, on transfer of the proceedings, shall re-number the same and try it along with M.C.No.36 of 2024, which is said to be pending on his file.



TR CMP(MD). No.301 of 2024

8. Family Court may not insist upon the physical presence of husband on all hearing dates and permit him 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.

9. With the above observations, the Transfer Civil Miscellaneous Petition is ordered. Consequently, connected miscellaneous petition is closed. No costs.

11.12.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
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TO

1. The Family Court,
Villupuram.

2. The Family Court,
Trichy.

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TR CMP(MD), No.301 of 2024

MOHAMMED SHAFFIQ,J.

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TR CMP(MD) No.301 of 2024

11.12.2025