



TR.CMP(MD)No.296 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.296 of 2025

and

C.M.P.(MD)No.7370 of 2025

Pragathi

... Petitioner

Vs

Karthick

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw H.M.O.P.No.403 of 2025 pending before the Family Court at Coimbatore and Transfer the same to the Family Court, Sivagangai District.

For Petitioner : Mr.G.R. Nesakaran

For Respondent : Mr.A.Manoj Kumar



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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.403 of 2025 from the file of Family Court at Coimbatore and transfer the same to the file of Family Court, Sivagangai.

2.Heard Mr.G.R. Nesakaran learned counsel for petitioner and Mr.A.Manoj Kumar, learned counsel for respondent.

3.Petitioner married the respondent on 19.05.2024, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.403 of 2025 for divorce before Family Court, Coimbatore. Pleading that wife is residing in Sivagangai and unable to travel from Sivagangai to Coimbatore, she has moved this transfer petition.

4.Mr.A.Manoj Kumar, learned counsel for respondent would submit that respondent may have difficulty in travelling for every hearing from Coimbatore to Family Court, Sivagangai.



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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 Sivagangai and Coimbatore is considerable, I am inclined to accept the transfer.

6.In view thereof, H.M.O.P.No.403 of 2025 pending on the file of Family Court at Coimbatore, is hereby ordered to be withdrawn and transferred to the file of Family Court, Sivagangai. Learned Family Court, Sivagangai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7. Family Court 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



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the Court, when Trial Court passes a specific order for his appearance or when his presence is indispensable.

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

15.12.2025

LR

To

1. Family Court at Coimbatore

2. Judge, Family Court,
Sivagangai.



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MOHAMMED SHAFFIQ, J.

LR

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