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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2025**

CORAM :

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Tr.CMP(MD).No.314 of 2025
and
C.M.P.(MD).No.8374 of 2025

Rajalakshmi ... Petitioner

vs.

Karuppasamy ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, pleased to withdraw the case in H.M.O.P No.67/2025 on the file of the Sub-Court, Sankarankovil, Tenkasi District and transfer the same to Sub Court, Virudhunagar, Virudhunagar District and allow this Transfer Civil Miscellaneous Petition and thus render justice.

For Petitioner : Mr.M.Jothi Basu
For Respondent : Mr.M.Sheik Abdullah

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.67 of 2025 from the file of Sub-Court, Sankarankovil, Tenkasi District and transfer the same to the file of Sub Court, Virudhunagar, Virudhunagar District.

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2. Heard, Mr.M.Jothi Basu, learned Counsel for the Petitioner and Mr.M.Sheik Abdullah, learned counsel for Respondent.

3. Petitioner married the respondent on 30.08.2020, according to Hindu rites and customs. Out of wedlock, a female child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.67 of 2025 for divorce before Sub Court, Sankarankovil, Tenkasi District. Pleading that wife is residing in Virudhunagar District and unable to travel from Virudhunagar to Sankarankovil, she has moved this transfer petition.

4. Mr.M.Sheik Abdullah, learned counsel for respondent submitted that respondent may have some difficulty, if he requires to travel and be physically present for all the hearings.

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

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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 Sankarankovil 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, H.M.O.P. No.67 of 2025 pending on the file of Sub Court, Sankarankovil, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Virudhunagar, Virudhunagar District. The Judge, Sub Court, Virudhunagar, Virudhunagar District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

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 **16.12.2025**
Internet :Yes / No
NCC :Yes / No
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MOHAMMED SHAFFIQ, J.

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To:

1.The Judge,
Sub Court, Sankarankovil.

2. The Judge, Sub Court,
Virudhunagar, Virudhunagar District

Order made in
Tr.CMP(MD)No.314 of 2025

16.12.2025

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