



TR CMP(MD). No.375 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 04/12/2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.375 of 2025
and
CMP(MD)No.10203 of 2025

Saranya

... Petitioner

Vs

Karthick Raja

... Respondent

PRAYER :-

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the petition in HMOP No.157 of 2024 pending on the file of Learned Sub Court, Sankarankoil and transfer the same to the file of Sub Court, Thiruppathur.

For Petitioner : Mr. S. Kadarkarai,
Advocate.

For Respondent : Mr.S.Selvakumar



TR CMP(MD), No.375 of 2025

ORDER

WEB COPY

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.157 of 2024 from the file of Subordinate Court, Sankarankovil and transfer the same to the file of Subordinate Court, Thirupathur.

2.Heard Mr.S.Kadarkarai learned counsel for petitioner and Mr.S.Selvakumar, learned counsel for respondent.

3.Petitioner married the respondent on 15.09.2023, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.157 of 2024 for divorce before Subordinate Court, Sankarankovil. Pleading that wife is residing in Thiruppathur and unable to travel from Thiruppathur to Sankarankovil, she has moved this transfer petition.

4.Mr.S.Selvakumar, learned counsel for respondent filed a counter affidavit and on instructions from respondent submitted that the respondent is presently working at Coimbatore and since he may have some difficulty in appearing physically in all the hearings.



TR CMP(MD), No.375 of 2025

WEB COPY

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 Thiruppathur and Sankarankovil, is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.

6. In view thereof, HMOP No.157 of 2024 pending on the file of learned Subordinate Judge, Sankarankovil, is hereby ordered to be withdrawn and transferred to the file of Subordinate Court, Thiruppathur. Learned Subordinate Court, Thiruppathur, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



TR CMP(MD), No.375 of 2025

WEB COPY

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

There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.12.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

pnn

To

1. The Subordinate Judge, Sankarankovil.
2. The Subordinate Judge, Thiruppathur.



WEB COPY



TR CMP(MD), No.375 of 2025

MOHAMMED SHAFFIQ, J

pnn

ORDER
IN
TR CMP(MD) No.375 of 2025

Date : 04/12/2025