



Tr.CMP(MD).No.404 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.12.2025

CORAM :

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

Tr.CMP(MD).No.404 of 2025

and

CMP(MD).No.11102 of 205

Dhivyabharathi

... Petitioner

vs.

Kulothungan

... Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.324 of 2024 on the file of Honorable Family Court, Thanjavur to the file of the Honorable Principal Subordinate Court, Tiruchirappalli, and pass such further or other order as this Honorable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.Jegan

For Respondent : Mr.S.Venkatesh

### **ORDER**

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.324 of 2024 from the file of Family Court, Thanjavur and transfer the same to the file of Principal Subordinate Court, Tiruchirappalli.



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2. Heard, Mr.M.Jegan, learned Counsel for the Petitioner and

Mr.S.Venkatesh, learned counsel for Respondent.

3. Petitioner married the respondent on 03.06.2022, 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.324 of 2024 for restitution of conjugal rights before Family Court, Thanjavur. Pleading that wife is residing in Trichy and unable to travel from Trichy to Thanjavur, she has moved this transfer petition.

4. Mr.S.Venkatesh, learned counsel for respondent submitted that respondent may have some difficulty, if he is required to travel and be physically present for all the hearings. He further sought a direction to the concerned court to expedite the proceedings, preferably within a period of four months.



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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 Trichy and Thanjavur 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.324 of 2024 pending on the file of Family Court, Thanjavur, is hereby ordered to be withdrawn and transferred to the file of Principal Subordinate Court, Tiruchirappalli. The Judge, Principal Subordinate Court, Tiruchirappalli, is directed to dispose of the aforementioned case expeditiously, preferably within a period of four months.



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7. With the above observations, the Transfer Petition is disposed of. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**16.12.2025**

Index :Yes / No

Internet :Yes / No

NCC :Yes / No

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1.The Family Court, Thanjavur.

2. Principal Subordinate Court, Tiruchirappalli.



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**MOHAMMED SHAFFIQ, J.**

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Order made in  
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