



Tr.CMP(MD).No.412 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Tr.CMP(MD).No.412 of 2025

and

CMP(MD).No.11198 of 205

Maragatha Gomathi

... Petitioner

vs.

Sankaranarayanan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the petition in H.M.O.P.No.77of 2025 from the file of the Family court, Tirunelveli and transfer the same to the file of Sub Court, Ambasamudram and thus render justice.

For Petitioner : Mr.P.P.Alwin Balan

For Respondent : Mr.R.Guru Chakkravarthy

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.77 of 2025 from the file of Family Court, Tirunelveli and transfer the same to the file of Sub Court, Ambasamudram.



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2. Heard, Mr.P.P.Alwin Balan, learned Counsel for the Petitioner and Mr.R.Guru Chakkravarthy, learned Counsel for the respondent.

3. Petitioner married the respondent on 01.02.2024, according to Hindu rites and customs. The petitioner was earlier married to Mr. Mariraj on 26.02.2018, and they later got divorced. Thereafter, the petitioner married the respondent on 01.02.2024. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.77 of 2025 for dissolution of marriage before Family Court, Tirunelveli. Petitioner had also filed a DVC proceedings in DVC.No.05 of 2025 pending on the file of Judicial Magistrate Court, Ambasamudram. Pleading that wife is residing in Ambasamudram, Tirunelveli District, she presently working as Lab Technician at Government Hospital, Tenkasi and unable to travel from Ambasamudram to Tirunelveli, she has moved this transfer petition.

4. Mr.R.Guru Chakkravarthy, learned counsel for respondent submitted that respondent working as salesman, he may have some difficulty, if he is required to travel and be physically present for all the hearings.



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

6. In view thereof, H.M.O.P. No.77 of 2025 pending on the file of Family Court, Tirunelveli District, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Ambasamudram. The Judge, Sub Court, Ambasamudram, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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

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

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Index :Yes / No

Internet :Yes / No

NCC :Yes / No

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WEB COPY To:

1. The Judge,
Family Court, Tirunelveli
2. The Juge,
Sub Court, Ambasamudram.



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MOHAMMED SHAFFIQ, J.

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Order made in
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