



TR.CMP(MD)No.399 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.399 of 2025

and

C.M.P.(MD)No.10979 of 2025

Sindhuja

... Petitioner

Vs

Hari Sudhan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.21 of 2025 pending on the file of the Learned Sub Court at Thiruchendur and Transfer to the Learned Sub Court at Thirumangalam, Madurai District.

For Petitioner : Mr.R.Baalsundaram
Senior Counsel
for M/s.Kbs Law Office.

For Respondent : Mrs.S.Jessi Jeeva Priya



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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.21 of 2025 from the file of Sub Court, Thiruchendur and transfer the same to the file of Sub Court at Thirumangalam, Madurai District.

2.Heard Mr.R.Baalsundaram, learned Senior counsel for petitioner and Mrs.S.Jessi Jeeva Priya, learned counsel for respondent.

3.Petitioner married the respondent on 01.12.2016, according to Hindu rites and customs. Out of wedlock, a child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.21 of 2025 for divorce before Sub Court, Thiruchendur. Pleading that wife is residing in Madurai and unable to travel from Madurai to Thiruchendur, she has moved this transfer petition.

4.Mrs.S.Jessi Jeeva Priya, learned counsel for respondent would submit that respondent may have difficulty in travelling for every hearing from Thiruchendur to Sub Court, Thirumangalam.



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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 Madurai and Thiruchendur 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, though the prayer is for transfer of HMOP No.21 of 2025 pending on the file of Sub Court, Thiruchendur to Sub Court, Thirumangalam, since there is Family Court at Madurai itself, the petition in H.M.O.P.NO.21 of 2025, pending on the file of Sub Court, Thiruchendur is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai District. Family Court, Madurai District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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

8.The petitioner/wife may file a petition to dispense with her appearance before the trial Court, if she requires.

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

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking

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LR



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To
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1. Sub Curt at Thiruchendur

**2. Family Court,
Madurai District.**



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MOHAMMED SHAFFIQ, J.

LR

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