



TR.CMP(MD)No.420 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.420 of 2025
and
C.M.P.(MD)No.11387 of 2025

Isaivani

... Petitioner

Vs

Vinayagamoorthy

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to order to transfer the H.M.O.P.No.79 of 2025 pending on the file of the Learned III Additional Sub-Court, Madurai to the Learned Subordinate Court, Valliyoor at Tirunelveli District.

For Petitioner : Mr.M.Laxmi Mahendraa,

For Respondent : Mr.K.Pandiarajan

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.79 of 2025 from the file of III Additional Sub-Court, Madurai and transfer the same to the file of Subordinate Court, Valliyoor at Tirunelveli District.



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2.Heard Mr. M.Laxmi Mahendraa, learned counsel for petitioner and Mr.K.Pandiarajan, learned counsel for respondent.

3.Petitioner married the respondent on 30.10.2020, 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.79 of 2025 for divorce before III Additional Sub-Court, Madurai. Pleading that wife is residing in Valliyoor and unable to travel from Valliyoor to Madurai, she has moved this transfer petition.

4.Mr.K.Pandiarajan, Learned Counsel for the respondent submit that the petition for restitution of conjugal rights was withdrawn by the respondent husband. It is also submitted that the petitioner refused to live with the respondent and the respondent left with no other choice, filed the petition seeking divorce and in H.M.O.P.No.79 of 2025, which is stated to be pending before the III Additional Sub Court, Madurai.

5.At this stage, the learned Counsel for the petitioner would also submit that the respondent has been transferred from Madurai and he is presently



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working at Chennai and therefore, continuation of H.M.O.P.NO.79 of 2025 before the III Additional Sub Court, Madurai would not only be inconvenient for the petitioner but also for the respondent.

6.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 Valliyoor and Madurai 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.

7.In view thereof, H.M.O.P.NO.79 of 2025 pending on the file of III Additional Sub Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of Subordinate Court, Valliyoor, Tirunelveli. Subordinate Court, Valliyoor, Tirunelveli, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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8. 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

To

1. III Additional Sub-Court, Madurai

2. Subordinate Court,
Valliyoor at Tirunelveli District



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MOHAMMED SHAFFIQ, J.

LR

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