



TR.CMP(MD)No.423 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.423 of 2025

and

C.M.P.(MD)No.11465 of 2025

Kanimozhi

... Petitioner

Vs

S.Sabarigiri Raja

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the proceedings in H.M.O.P.No.95 of 2025, on the file of the Principal Sub Court, Dindigul and to transfer the same to the file of Principal Sub Court, Sivakasi.

For Petitioner : Mr. J.Jeyakumaran,

For Respondent : Mr.N.Balasubramanian

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.95 of 2025 from the file of Principal Sub Court, Dindigul and transfer the same to the file of Principal Sub Court, Sivakasi.



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2.Heard Mr. J.Jeyakumaran learned counsel for petitioner and Mr.N.Balasubramanian, learned counsel for respondent.

3.Petitioner married the respondent on 09.09.2021, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.95 of 2025 for divorce before Principal Sub Court, Dindigul. Pleading that wife is residing in Thiruthangal and unable to travel from Thiruthangal to Dindigul, she has moved this transfer petition.

4.Mr.N.Balasubramanian, learned counsel for respondent would submit that respondent may have difficulty in travelling for every hearing from Dindigul to Sub Court Sivakasi.

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



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be given a superior consideration than that of husband. As the distance between Thiruthangal and Dindigul is considerable, I am inclined to accept the transfer.

6.In view thereof, H.M.O.P.No.95 of 2025 pending on the file of Principal Sub Court, Dindigul, is hereby ordered to be withdrawn and transferred to the file of Principal Sub Court, Sivakasi. Principal Sub Court, Sivakasi, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7.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. Principal Sub Court, Dindigul

2. Principal Sub Court, Sivakasi



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MOHAMMED SHAFFIQ, J.

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