



TR CMP(MD). No.438 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.12.2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR.CMP(MD). No.438 of 2025
and
CMP(MD)No.12054 of 2025**

Ilakkiya		... Petitioner
	Vs.	
Sivaperumal,		... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to order to withdraw H.M.O.P.No.410 of 2023 on the file of Family Court, Madurai and to transfer the same to Sub Court, Usilampatti, Madurai District or any other near court.

For Petitioner : Mr.R.Balamuruganantham,
For Respondent : Mr.K.Abiya

ORDER

This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of H.M.O.P.No.410 of 2023 from the file of Judge, Family Court, Madurai and transfer the same to the file of Subordinate Judge, Usilampatti, Madurai District.



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2. Heard Mr.R.Balamuruganantham, learned counsel for petitioner and Mr.K.Abiya, learned counsel for respondent.

3. Petitioner married the respondent on 17.02.2019, 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.410 of 2023 for divorce before Family Court, Madurai. Pleading that wife is residing in Usilampatty and unable to travel from Usilampatti to Madurai, she has moved this transfer petition.

4. Mr.K.Abiya, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer H.M.O.P.No.410 of 2023, from the file of Family Court, Madurai to the file of Judge, Sub Court, Usilampatti, Madurai District.

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



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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 Usilampatti 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.

6. In view thereof, H.M.O.P. No.410 of 2023 pending on the file of Family Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Usilampatti, Madurai District. The Sub ordinate Judge, Usilampatti, Madurai District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of eight months.

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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Web :Yes/No
Speaking/Non Speaking
LS

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MOHAMMED SHAFFIQ,J.

LS

TO

1. The Judge, Family Court,
Madurai.
2. The Subordinate Judge,
Usilampatti,
Madurai District

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