



TR CMP(MD). No.448 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.12.2025

CORAM

**THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**TR CMP(MD). No.448 of 2025  
and  
CMP(MD)No.12327 of 2025**

Esakkiammal

... Petitioner

Vs.

P.Pavithran

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case in HMOP No.5288 of 2024 on the Family court, Chennai and transfer the same to Sub Court, Sankarankovil, Tenkasi District and pass such further or other orders may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr. S.Sukumar

For Respondent : Mr.Dinesh Kumar



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## **ORDER**

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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.5288 of 2024 from the file of Family Court, Chennai, and transfer the same to the file of Sub Court, Sankarankovil, Tenkasi District.

2. Heard Mr.S.Sukumar, learned counsel for petitioner and Mr.Dinesh Kumar, learned counsel for respondent.

3. Petitioner married the respondent on 01.09.2019, according to Hindu rites and customs. Out of wedlock, a male child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.5288 of 2024 for divorce before Family Court, Chennai. Pleading that wife is residing in Tenkasi and unable to travel from Tenkasi to Chennai, she has moved this transfer petition.

4. Mr.M.Dinesh Kumar, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer H.M.O.P.No.5288 of 2024, from the file of Family Court Chennai to the file of Sub Court, Sankarankovil, Tenkasi District.



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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 Tenkasi and Chennai is not 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.5288 of 2024 pending on the file of Family Court, Chennai, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Sankarankovil, Tenkasi District. The Judge, Sub Court, Sankarankovil, Tenkasi District, 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.

**16.12.2025**

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



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To  
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1. The Judge,  
Family Court,  
Chennai.
2. The Judge,  
Sub Court,  
Sankarankovil,  
Tenkasi District.



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**MOHAMMED SHAFFIQ,J.**

gvn

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