



TR CMP(MD). No.451 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15.12.2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.451 of 2025
and
CMP(MD)No.12599 of 2025**

Shanmuga Priya

... Petitioner

Vs.

G.V.Balaji

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the OP No.264 of 2025 pending on the file of the Family Court, Karur and transfer the same to the file of the Family Court, Udumalaipet by appreciating the above said facts and circumstances of the case and thus render justice.

For Petitioner : M/s.Shakthi Priya
for.
Mr.P.Samuel Gunasingh

For Respondent : Mr.N.Marimuthu
for
Mr.A.Chandrakumar



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ORDER

This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of O.P.No.264 of 2025 from the file of Family Court, Karur and transfer the same to the file of Family Court, Udumalaipet.

2. Heard M/s.Shakthi Priya, learned counsel for petitioner and Mr.N.Marimuthu, learned counsel for respondent.

3. Petitioner married the respondent on 05.09.2010, 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 O.P.No.264 of 2025 for divorce before Family Court, Karur. Pleading that wife is residing in Udumalaipet, Tirupur District and unable to travel from Udumalaipet to Karur, she has moved this transfer petition.



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4. Mr.N.Marimuthu, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer O.P.No.264 of 2025, from the file of Family Court, Karur to the file of Family Court, Udumalaipet.

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 Udumalaipet and Karur 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.



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6. In view thereof, O.P.No.264 of 2025 pending on the file of Family Court, Karur is hereby ordered to be withdrawn and transferred to the file of Family Court, Udumalaipet. The Judge, Family Court, Udumalaipet, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

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

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



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To

1. The Judge,
Family Court,
Karur.

2. The Judge,
Family Court,
Udumalaipet,
Tirupur District.

3. Shanmuga Priya
W/o. G.V.Balaji
No.33A
Ramasamy Nagar
Udumalaipettai
Tirupur District.

4. G.V.Balaji
S/o. G.Veerasami
Door No.104/1
TNHB Colony
Gandhi Gramam South
Pasupathipalayam Post
Karur District.



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MOHAMMED SHAFFIQ,J.

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