



Tr.C.M.P.(MD)No.486 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2025

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.486 of 2025

and

C.M.P.(MD)No.13718 of 2025

Amreetha

.. Petitioner

Vs.

G.Adhiban

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.62 of 2025 pending on the file of the Sub Court, Sattur and transfer the same to the file of the Principal Sub Court, Dindigul or any other competent Court at Dindigul.

For Petitioner : Mr.N.Balasubramanian

For Respondent : Mr.N.Mariappan



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.62 of 2025 from the file of the Sub Court, Sattur and transfer the same to the file of Principal Sub Court, Dindigul.

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

3. Petitioner married the respondent on 01.05.2016, according to Hindu Rites and Customs. Out of wedlock, two children were born, namely Dhakshid Arav and Dhanish Arav. Respondent had gone to abroad some time in the year 2019. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.62 of 2025 for divorce before Sub Court, Sattur. Pleading that wife is residing in Dindigul and unable to travel from Dindigul to Sattur, which is about 300 Kms to and fro, she has moved this transfer petition.

4. Mr.N.Mariappan, learned counsel for respondent, on instructions from respondent, submitted that respondent has no serious objection to



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transfer HMOP.No.62 of 2025, on the file of Sub Court, Sattur to the file of Principal Sub Court, Dindigul.

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 Sattur and Dindigul is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

6. In view thereof, HMOP No.62 of 2025 pending on the file of Sub Court, Sattur, is hereby ordered to be withdrawn and transferred to the file of Principal Sub Court, Dindigul. Learned Principal Sub Court, Dindigul, 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, the connected Civil Miscellaneous Petition is closed.

12.12.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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To

1.The Sub Court,
Sattur.

2.The Principal Sub Court,
Dindigul.



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MOHAMMED SHAFFIQ, J.

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