



TR.CMP(MD)No.541 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.541 of 2025

and

C.M.P.(MD)No.14858 of 2025

M.Sirajudeen
rep by his power agent
Abitha Begum
power agent dated 07.07.2025
in I.A.No.40/2025

... Petitioner

Vs

1. M.Aarifa

2. S.Shifa Safreen (Minor)
Rep by R1

... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case on the file of the Family Court, Tiruvallur in M.C.No.5 of 2025 and to transfer the same to the Honourable Family Court, Thoothukudi.

For Petitioner : Mr.S.Vishnuvardhan,

For Respondent : Mr.A.R.Kannappan



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ORDER

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This Transfer Petition is filed by the power of attorney at the instance of petitioner/husband. He seeks withdrawal of M.C.No.5 of 2025 from the file of Family Court, Tiruvallur and transfer the same to the file of Family Court, Thoothukudi.

2.Heard Mr.S.Vishnuvardhan, learned counsel for petitioner and Mr.A.R.Kannappan, learned counsel for respondent.

3.Petitioner/husband married the respondent/wife on 24.11.2019. Out of wedlock, a child was born. Due to differences, parties have separated. Respondent/wife initiated proceedings in M.C.No.5 of 2025 seeking maintenance before Family Court, Tiruvallur. Pleading that petitioner/husband is residing abroad and his mother aged over 60 years and needs to be attended. He has moved this transfer petition.

4.To the contrary, Mr.A.R.Kannappan, learned counsel for respondent would submit that the respondent/wife is working as Police Constable at CBCID Branch, Egmore, Chennai and thus if the maintenance case is transferred, she may have difficulty in attending the court hearing. He



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would further submit that the petitioner has already filed a transfer petition before the Principal Seat of this Court in Tr.C.M.P(MD)No.746 of 2025 seeking to transfer the suit in O.S.No.6/2025 from the file of the Family Court, Thoothukudi to Family Court, Thiruvallur, wherein, interim stay had already been granted.

5. 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. Since it will be difficult for the wife to leave the child behind and travel to attend the Court, this Court is not inclined to transfer the maintenance case as prayed for.

6. At this juncture, the learned Counsel for the petitioner would request to dispense with the personal appearance of the petitioner/husband before the trial Court.

7. In view thereof, the Family Court need not insist upon the appearance of husband on all hearing dates. For non-essential and procedural hearings, husband will be represented by 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.



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8. 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. Family Court, Tiruvallur



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MOHAMMED SHAFFIQ, J.

LR

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