



Tr.CMP(MD).No.490 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Tr.CMP(MD).No.490 of 2025

and

CMP(MD).Nos.13744 & 13746 of 205

Malliga

... Petitioner

vs.

Velmurugan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in I.A. 2 of 2025 in Unnumbered H.M.O.P.No. of 2025 on the file of the Family Court, Chengalpattu and transfer the same to Family Court Tirunelveli or any other District Court in Tirunelveli district and thus render justice.

For Petitioner : Mr.R.Mathava Selvam

For Respondent : Mr.R.Muthuram

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of I.A.No.2 of 2025 in Unnumbered H.M.O.P. of 2025 from the file of Family Court, Chengalpattu and transfer the same to the file of Family Court, Tirunelveli.



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2. Heard, Mr.R.Mathava Selvam, learned Counsel for the Petitioner and Mr.R.Muthuram, learned Counsel for the respondent.

3. Petitioner married the respondent on 08.09.2024, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband has filed a divorce petition along with an Interim application seeking leave of the Court under Section 14(2) of the Hindu Marriage Act, 1955 in I.A.No.2 of 2025 in unnumbered H.M.O.P before Family Court, Chengalpattu. Since the divorce petition has been presented, before the lapse of one year from the date of marriage. The learned Counsel for petitioner submitted that subsequently the un-numbered divorce petition was numbered as HMOP.No.465 of 2025 on the file of Family court, Chengalpattu. The petitioner has also filed a petition in HMOP.No.115 of 2025 seeking relief of restitution of conjugal rights. Pleading that wife is residing in Tirunelveli and unable to travel from Tirunelveli to Chengalpattu, she has moved this transfer petition.



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4. Mr.R.Muthuram, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer H.M.O.P.No.465 of 2025, from the file of Family Court, Chengalpattu to the file of Family Court, Tirunelveli.

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 Tirunelveli and Chengalpattu is not considerable and since it will be difficult for the wife to travel and attend the Court, I am inclined to accept the transfer.



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6. In view thereof, H.M.O.P. No.465 of 2025 pending on the file of Family Court, Chengalpattu, is hereby ordered to be withdrawn and transferred to the file of Family Court, Tirunelveli District. The Judge, Family Court, Tirunelveli, 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 allowed. There is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16.12.2025

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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- 1.The Judge,
Family Court, Chengalpattu
2. The Judge,
Family Court, Tirunelveli.



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MOHAMMED SHAFFIQ, J.

gvn

Order made in
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