



TR.CMP(MD)No.503 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.503 of 2025
and
C.M.P.(MD)No.14010 of 2025

P.Bhuvaneswari

... Petitioner

Vs

Parthiban

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.173 of 2025 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Madurai to be tried along with M.C.No.191 of 2025.

For Petitioner : Mrs.S.Thoppammal

For Respondent : Mr.D.Venkatesh

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.173 of 2025 from the file of Family Court, Sivagangai and transfer the same to the file of Family Court, Madurai to be tried along with M.C.No.191 of 2025.



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2.Heard Mrs.S.Thoppammal, learned counsel for petitioner and Mr.D.Venkatesh, learned counsel for respondent.

3.Petitioner married the respondent on 07.02.2020, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.173 of 2025 for divorce before Family Court, Sivagangai. Pleading that wife is residing in Madurai and unable to travel from Madurai to Sivagangai and would have to necessarily be accompanied by her aged mother, she has moved this transfer petition.

4.To the contrary, learned Counsel for the respondent would submit that the respondent would be subject to inconvenience if the H.M.O.P.No.173 of 2025 is transferred from Sivagangai to Madurai.

5.At this stage, it was brought to the notice of this Court that the respondent itself is living only in chennai.

6.At this stage, it was brought to the notice of this Court that the respondent itself is living only in chennai. This Court finds that if the



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respondent could travel all the way from Chennai to Sivagangai for H.M.O.P.No.173 of 2025 and from Chennai to Madurai for M.C.No.191 of 2025, this Court sees no reason as to why respondent/husband cannot travel to Madurai for H.M.O.P.No.173 of 2025.

7.In any view, 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 Madurai and Sivagangai is considerable, I am inclined to accept the transfer.

8.In view thereof, HMOP No.173 of 2025 pending on the file of Family Court, Sivagangai District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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9.The Family Court may 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.

10.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



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To
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1.Family Court,
Sivagangai District.

2.Family Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

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