



Tr.C.M.P.(MD)No.506 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2025

CORAM

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.506 of 2025

and

C.M.P.(MD)No.14061 of 2025

S.Esakkiammal

.. Petitioner

Vs.

Sudalaikani

.. 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.129 of 2024 from the file of the Sub Court, Sankarankovil and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.N.Balasubramanian

For Respondent : Mr.R.J.Karthick

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.129 of 2024 from the file of the Sub Court, Sankarankovil and transfer the same to the file of Family Court, Tirunelveli.



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2. Heard Mr.N.Balasubramanian, learned counsel for petitioner and Mr.R.J.Karthick, learned counsel for respondent.

3. Petitioner married the respondent on 15.09.2016, according to Hindu rites and customs. Out of wedlock, two children were born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.129 of 2024 for divorce before Sub Court, Sankarankovil. Pleading that wife is residing in Tirunelveli and unable to travel from Tirunelveli to Sankarankovil, she has moved this transfer petition.

4. Mr.R.J.Karthick, learned counsel for respondent submitted that respondent may have some difficulty, if he is required to travel and be physically present for all the hearings.

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



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

6. In view thereof, HMOP No.129 of 2024 pending on the file of Sub Court, Sankarankovil, is hereby ordered to be withdrawn and transferred to the file of Family Court, Tirunelveli. Learned 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 him 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.



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8. 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,
Sankarankovil.

2.The Family Court,
Tirunelveli.



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MOHAMMED SHAFFIQ, J.

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