



TR CMP(MD). No.500 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.12.2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.500 of 2025
and
CMP(MD)No.13954 of 2025**

M.Hemalatha

... Petitioner

Vs.

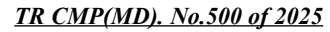
A.Manikandan

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in HMOP No.203 of 2024 on the file of the Learned Family Court, Theni to be heard and tried on the file of the Sub Court, Uthamapalayam and other court in Theni District and pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr. H.Velavadhas

For Respondent : Mr.Arun Jegathram



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<https://www.mhc.tn.gov.in/judis>



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4. Mr.ArunJegathram, learned counsel for respondent submitted that respondent may have some difficulty, if he requires 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 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 Uthamapalayam and Theni is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6. In view thereof, H.M.O.P. No.203 of 2024 pending on the file of Family Court, Theni, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Uthamapalayam. The Judge, Sub Court, Uthamapalayam, 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, connected Miscellaneous Petition is closed.

16.12.2025

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking
gvn



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To
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1. The Judge,
Family Court,
Theni.

2.The Judge,
Sub Court,
Uthamapalayam.



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MOHAMMED SHAFFIQ,J.

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