



TR.CMP(MD)No.530 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.530 of 2025

and

C.M.P.(MD)No.14460 of 2025

Gokila

... Petitioner

Vs

Balamurugan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the H.M.O.P.No.842 of 2025 on the file of the Family Court, Madurai District and transfer the same to Family Court, Theni, Theni District.

For Petitioner : Mr.K.Prakash,

For Respondent : Mr.A.Prabhu Raj

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.842 of 2025 from the file of Family Court, Madurai District and transfer the same to the file of Family Court, Theni.



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2.Heard Mr.K.Prakash, learned counsel for petitioner and Mr.A.Prabhu Raj, learned counsel for respondent.

3.Petitioner married the respondent on 28.10.2022, according to Hindu rites and customs. Out of wedlock, a child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.842 of 2025 for divorce before Family Court, Madurai District. Pleading that wife is residing in Theni and unable to travel from Theni to Madurai, she has moved this transfer petition.

4.Mr.A.Prabhu Raj, learned counsel for respondent would submit that domestic violence case has been registered and the same is pending in D.V.C.No.19 of 2025 pending before the Additional Mahila Court, Theni **and would submit that the respondent would have difficulty if the case is transferred to Madurai to Theni.**

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 Madurai 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, HMOP No.842 of 2025 pending on the file of Family Court, Madurai District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Theni. Family Court, Theni, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7.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 allowed. 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, Madurai District

2. Family Court, Theni District



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MOHAMMED SHAFFIQ, J.

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