



TR.CMP(MD)No.523 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.523 of 2025

and

C.M.P.(MD)No.14324 of 2025

B.Rathna

... Petitioner

Vs

R. Manikandan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to to withdraw the case in H.M.O.P. No.1513 of 2025 on the file of the VII Additional Family Court, Chennai and to transfer the same to the Sub-Court, Virudhunagar.

For Petitioner : Mr. V.Sasi Kumar

For Respondent : Mrs.S.Pavithra

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P. No.1513 of 2025 from the file of VII Additional Family Court, Chennai and transfer the same to the file of Sub-Court, Virudhunagar.



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2.Heard Mr.V.Sasi Kumar, learned counsel for petitioner and Mrs.S.Pavithra, learned counsel for respondent.

3.Petitioner married the respondent on 23.05.2021, 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.1513 of 2025 for divorce before VII Additional Family Court, Chennai. Pleading that wife is residing in Virudhunagar and unable to travel from Virudhunagar to Chennai, she has moved this transfer petition.

4.Mrs.S.Pavithra, learned counsel for respondent would submit that respondent may have difficulty in travelling for every hearing from Chennai to Virudhunagar.

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



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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 Virudhunagar and Chennai 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view thereof, HMOP No.1513 of 2025 pending on the file of VII Additional Family Court, Chennai, is hereby ordered to be withdrawn and transferred to the file of Sub-Court, Virudhunagar. Learned Sub-Court, Virudhunagar, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7.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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To

1.VII Additional Family Court, Chennai

2.Sub Court, Virudhunagar.



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MOHAMMED SHAFFIQ, J.

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