



TR.CMP(MD)No.663 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.663 of 2024
and
C.M.P.(MD)No.16028 of 2024

V. Kalpana

... Petitioner

Vs

R. Rajkumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.11 of 2024 pending on the file of the Sub Ordinate Court at Uthamapalayam and transfer the same to the Family court at Namakkal to be tried along with FCOP NO.61 of 2024 on the file of the Family court, Namakkal.

For Petitioner : Mr.S.Sankar

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.11 of 2024 from the file of Subordinate Judge, Uthamapalayam and transfer the same to the file of Family Court, Namakkal.



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2.Heard Mr.S.Sankar, learned counsel for petitioner.

3.Petitioner married the respondent on 10.12.2014, 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.11 of 2024 for divorce before Subordinate Court, Uthamapalayam. Pleading that wife is residing in Namakkal and unable to travel from Namakkal to Uthamapalayam, she has moved this transfer petition.

4.Learned counsel for respondent would submit that the respondent suffers from certain health ailments. Therefore, the respondent may have some difficulty, if he requires to travels 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



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

6.In view thereof, HMOP No.11 of 2024 pending on the file of Subordinate Judge, Uthamapalayam, is hereby ordered to be withdrawn and transferred to the file of Family Court, Namakkal. Learned Family Court, Namakkal, 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. Sub Ordinate Court at Uthamapalayam
2. Family court at Namakkal.



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MOHAMMED SHAFFIQ, J.

LR

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