



TR CMP(MD). No.596 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.12.2025

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.596 of 2024
and
CMP(MD)No.13913 of 2024

T.Divya

... Petitioner

Vs.

J.Pradeesh Raja,

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case bearing H.M.O.P.No.62 of 2024 on the file of the Subordinate Court,Valliyoor, Tirunelveli District and transfer the same to the File of the Family court, Kanyakumari District at Nagercoil forthwith.

For Petitioner : Mr. J.Jeevin,

For Respondent : Mr.D.S.Haroon Rasheed

ORDER

This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of H.M.O.P.No.62 of 2024 from



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the file of Subordinate Judge, Valliyoor, Tirunelveli District and transfer the same to the file of Family Court, Kanyakumari District at Nagercoil.

2. Heard Mr.J.Jeevin, learned counsel for petitioner and Mr.D.S.Haroon Rasheed, learned counsel for respondent.

3. Petitioner married the respondent on 29.08.2022, 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.62 of 2024 for divorce before Subordinate Judge, Valliyoor, Tirunelveli District. Pleading that wife is residing in Kanyakumari and unable to travel from Kanyakumari to Tirunelveli, she has moved this transfer petition.

4. Mr.D.S.Haroon Rasheed, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer H.M.O.P.No.62 of 2024, from the file of Subordinate Judge, Valliyoor, Tirunelveli District to the file of Judge, Family Court, Kanyakumari District at Nagercoil.



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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 Tirunelveli and Kanyakumari 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.62 of 2024 pending on the file of Subordinate Judge, Valliyoor, Tirunelveli District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Kanyakumari District at Nagercoil. The Judge, Family Court, Kanyakumari District at Nagercoil, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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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.

8. With the above observations, the Transfer Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

11.12.2025

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

TO

1. The Subordinate Judge,
Valliyoor,
Tirunelveli District.

2.The Judge,
Family Court,
Kanyakumari District at Nagercoil

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MOHAMMED SHAFFIQ,J.

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