



TR CMP(MD). No.617 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.617 of 2024
and
CMP(MD)No.14850 of 2024**

S.Anu

... Petitioner

Vs.

R.Ram Prasad,

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the petition in H.M.O.P.No.655 of 2024 on the file of the Sub Court, Alandur, Kancheepuram District and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.V.Muthu Kamatchi,

For Respondent : Ms.A.Athishayaa

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.655 of 2024 from the file of Sub Court, Alandur, Kancheepuram District and transfer the same to the file of Family Court, Madurai.



TR CMP(MD). No.617 of 2024

2. Heard Mr.V.Muthu Kamatchi, learned counsel for petitioner and Ms.A.Athishayaa, learned counsel for respondent.

3. Petitioner married the respondent on 25.04.2022, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.655 of 2024 for divorce before Sub Court, Alandur, Kancheepuram District.

4. Learned counsel for petitioner would submit that on 05.05.2022, respondent / husband went to Dubai for his job and the petitioner had difficulties in living with her in-laws; that the petitioner also went to Dubai for some time in January 2023 and thereafter, there were differences of opinion, thus, the respondent issued a legal notice on 26.04.2024 for divorce, which is replied by petitioner on 07.05.2024 stating that she is ready and willing to rejoin and live with respondent. While so, the respondent had filed a petition for divorce in H.M.O.P.No. 655 of 2024 before the Sub Court, Alandur, Kancheepuram District. Petitioner would submit that it is very difficult for her to travel from Madurai to Kancheepuram and the respondent anyway travelling from



TR CMP(MD). No.617 of 2024

Dubai to Chennai, may not have any difficult to travel from Dubai to Madurai instead of Dubai to Chennai. In every month, petitioner has to appear in the divorce proceedings, she has to accompany by her aged parents. For the above reasons, it was submitted that H.M.O.P.No.655 of 2024 may be withdrawn from the file of Sub Court, Alandur, Kancheepuram District and transferred to the file of Family Court, Madurai.

5. Ms.A.Athishayaa, learned counsel on instructions from respondent submitted that respondent is working in Dubai and it would be difficult for him to travel from Dubai to Chennai and Chennai to Madurai and that instead of Chennai, he would have travelled from Dubai to Madurai.

6. 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



TR CMP(MD), No.617 of 2024

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 Kancheepuram and Madurai is considerable and since it will be difficult for the wife to leave the aged parents behind and travel to attend the Court, I am inclined to accept the transfer.

7. In view thereof, H.M.O.P. No.655 of 2024 pending on the file of Sub Court, Alandur, Kancheepuram District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. The Judge, Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of eight months.

8. 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.



TR CMP(MD). No.617 of 2024

WEB COPY

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

11.12.2025

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

TO

1.The Sub ordinate Judge,
Alandur,
Kancheepuram District

2.The Judge,
Family Court,
Madurai.



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TR CMP(MD), No.617 of 2024

MOHAMMED SHAFFIQ,J.

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TR CMP(MD) No.617 of 2024

11.12.2025