



TR.CMP(MD)No.548 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.548 of 2025
and
C.M.P.(MD)No.15165 of 2025

P.Shinduja

... Petitioner

Vs

R.Vignesh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw H.M.O.P.No.114 of 2023 on the file of Principal Sub Court, Trichy and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr. R.Ramasamy

For Respondent : Mr.N.Anandakumar

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.114 of 2023 from the file of Principal Sub Court, Trichy and transfer the same to the file of Family Court, Madurai.



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2.Heard Mr.R.Ramasamy learned counsel for petitioner and Mr.N.Anandakumar, learned counsel for respondent.

3.Petitioner married the respondent on 17.08.2018, according to Hindu rites and customs. Out of wedlock, a child was born. It is submitted that ever since, there have been frequent quarrel and due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No. 114 of 2023 for divorce before Principal Sub Court, Trichy. Pleading that wife is residing in Madurai and unable to travel from Madurai to Trichy along with her child and old age parents, she has moved this transfer petition.

4.Mr.N.Anandakumar, learned counsel for respondent would submit that the petitioner has threatened the respondent whe he attended the hearing in M.C.No.189/2023 at Madurai.

5.The learned Counsel for the petitioner, who was already directed to file an undertaking affidavit stating that the petitioner would not harm or threaten the respondent in any manner during the pendency of the above matters. To that effect, an affidavit has also been filed.



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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 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 Trichy and Madurai is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court and the petitioner also filed the undertaking affidavit as directed by this Court, I am inclined to accept the transfer.

7.In view thereof, HMOP No.114 of 2023 pending on the file of Principal Sub Court, Trichy, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. Learned Family Court, Trichy, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8.The Family Court may not insist upon the appearance of husband on all hearing dates. For non-essential and procedural hearings, husband will



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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.

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

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

05.12.2025

LR

To

1. Principal Sub Court, Trichy

2. Judge, Family Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

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