



TR CMP(MD). No.586 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04/12/2025

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.586 of 2025
and
CMP(MD)No.16535 of 2025

Poongodi Nachiyar Alias Gowsalya ... Petitioner

Vs

Sundar Rajan ... Respondent

PRAYER :-

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP No.890 of 2025 from the file of Learned Family Court, Madurai to Sub Court, Uthamapalayam, Theni District.

For Petitioner : Mr. A. Chandrakumar,
Advocate.

For Respondent : Mr. V.Karuna



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ORDER

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This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.890 of 2025 from the file of the Family Court Madurai, and transfer the same to the file of Sub Court, Uthamapalayam, Theni District.

2.Heard Mr.A. Chandrakumar, learned counsel for petitioner and Mr.V.Karuna, learned counsel for respondent.

3.Petitioner married the respondent on 21.08.2020, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.890 of 2025 for divorce before Family Court, Madurai. Pleading that wife is residing in Uthamapalayam and unable to travel from Uthamapalayam to Madurai, she has moved this transfer petition.

4.Mr.V.Karuna, learned counsel for respondent on instructions from respondent, initially resisted, however later submitted that HMOP No.890 of 2025, may be transferred from the file of Family Court, Madurai, to the file of the Family Court, Theni.



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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 Madurai and Theni, is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.

6.In view thereof, HMOP No.890 of 2025 pending on the file of Family Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of Family Court, Theni. Learned Judge, Family Court, Theni, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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7.The Family Court may 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.

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

04.12.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

- 1.The Judge, Family Court, Madurai.
2. The Judge, Family Court, Theni.



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MOHAMMED SHAFFIQ, J

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ORDER
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Date : 04/12/2025