



TR CMP(MD). No.606 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 04/12/2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.606 of 2025
and
CMP(MD)No. 17245 of 2025

Maheshwari

... Petitioner

Vs

Tamilarasan

... Respondent

PRAYER :-

Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to pass orders to withdraw the case in H.M.O.P.No.548 of 2025 from the file of the Family Court, Tiruppur, and to transfer the same to the Family Court, Thanjavur.

For Petitioner : Mr. S. Malaikani,
Advocate.

For Respondent : Mr.K.Arunraj

ORDER

This Transfer Petition is at the instance of wife. She seeks



TR CMP(MD), No.606 of 2025

withdrawal of H.M.O.P.No.548 of 2025 from the file of the Family Court, Tiruppur, and to transfer the same to the Family Court, Thanjavur.

2.Heard Mr.S.Malaikani, learned counsel for petitioner and Mr.K.Arunraj, learned counsel for respondent.

3.Petitioner married the respondent on 10.09.2023, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.548 of 2025 for divorce before Family Court, Tiruppur. Pleading that wife is residing in Thanjavur and unable to travel from Thanjavur to Tiruppur , she has moved this transfer petition.

4.Mr.K.Arunraj, learned counsel for respondent submitted that it will be difficult for the respondent to travel for each hearing and therefore would request that this Court may permit the respondent to appear through video conference, unless it is necessary for the respondent to physically appear before the Court.



TR CMP(MD). No.606 of 2025

WEB COPY

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 Tiruppur and Thanjavur 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6.In view thereof, H.M.O.P.No.548 of 2025 pending on the file of Family Court, Tiruppur, is hereby ordered to be withdrawn and transferred to the file of Family Court, Thanjavur. Learned Judge, Family Court, Thanjavur, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7.The Family Court may not insist upon the appearance of husband



TR CMP(MD), No.606 of 2025

on all hearing dates and permit to appear through Video Conferencing.

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

pnn

To

1. The Judge, Family Court, Tiruppur.
2. The Judge, Family Court, Thanjavur.

4/5



WEB COPY



TR CMP(MD), No.606 of 2025

MOHAMMED SHAFFIQ, J

pnn

ORDER
IN
TR CMP(MD) No.606 of 2025

Date : 04/12/2025