



TR.CMP(MD)No.657 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.657 of 2025
and
C.M.P.(MD)No.19090 of 2025

M.Gowthama Varshini

...Petitioner

Vs

T.Harishkumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the H.M.O.P.No.1477 of 2025 on the file of Hon'ble Family Court, Madurai and transfer the same to the Hon'ble Family Court, Theni.

For Petitioner : Mrs.A.S.Shangeetha

For Respondent : Mr.M.Thirunavukkarasu

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.1477 of 2025 from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni.



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2. Heard Mrs.A.S.Shangeetha, learned Counsel for the Petitioner and Mr.M.Thirunavukkarasu, learned Counsel for the Respondent.

3.The petitioner married the respondent on 12.06.2024, according to Hindu rites and customs. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No. 1477 of 2025 for divorce before the Family Court, Madurai. Pleading that the wife is residing in Theni and unable to travel from Theni to Madurai, she has moved this transfer petition.

4. Mr.M.Thirunavukkarasu, learned Counsel for the Respondent filed a counter affidavit and on instructions from Respondent, submitted that Respondent has no objection to transfer the H.M.O.P.No.1477 of 2025, on the file of the Family Court, Madurai to the file of Family Court, Theni. Therefore, he prays this Court to transfer H.M.O.P No. 1477 of 2025, pending before Family Court, Madurai District, to Family Court, Theni, so that it can be tried along with the petition filed by the wife in H.M.O.P No.570 of 2025, seeking



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restitution of conjugal rights, which is pending before the Family Court, Theni.

5. The learned Counsel for the Petitioner do not have any objection to the above request.

6. 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 Theni and Madurai is considerable, I am inclined to accept the prayer for transfer.

7. In view thereof, HMOP No. 1477 of 2025 pending on the file of Family Court, Madurai District, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Theni, where petition filed by the petitioner/wife in HMOP No. 570 of 2025, seeking restitution of



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conjugal rights, is pending. Learned Family Court, Theni, is directed to dispose of the aforementioned cases expeditiously, preferably within a period of six months.

8.The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

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

01.12.2025

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



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MOHAMMED SHAFFIQ, J.

Nsr

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