



Tr.CMP(MD).No.128 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Tr.CMP(MD).No.128 of 2026

and

C.M.P.(MD).No.2548 of 2026

G.Rashmitha

... Petitioner

Vs.

S.V.Chandra Kumar

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.284 of 2025 on the file of the Family Court, Karur and transfer the same to the Family Court, Dindigul in order to try the same along with H.M.O.P.No.337 of 2025 on the file of the Family Court, Dindigul.

For Petitioner : Mr.C.Jeya Prakash

For Respondent : Mr.Antony Rajadurai

for M/s.Roy and Roy Associates

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.284 of 2025 on the file of the Family Court, Karur and transfer



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the same to the Family Court, Dindigul in order to try the same along with H.M.O.P.No.337 of 2025 on the file of the Family Court, Dindigul.

2. Heard Mr.C.Jeya Prakash, learned counsel for petitioner and Mr.Antony Rajadurai, learned counsel for respondent.

3. Marriage between petitioner and respondent was solemnized on 01.09.2021, according to Hindu rites and customs and they have a female child, who is now aged about 2 years. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.284 of 2025 for divorce before Family Court, Karur and petitioner/wife initiated proceedings in H.M.O.P.No.337 of 2025 for restitution of conjugal rights before Family Court, Dindigul. Pleading that wife is residing in Dindigul and unable to travel from Dindigul to Karur, she has moved this transfer petition.

4. Learned counsel for petitioner would submit that petitioner has to take care of her minor child and has to be accompanied by her aged parents, who suffer from age related ailments. She also expressed difficulty inasmuch as she may have to travel a distance of 160 Kms (to and fro) to attend each hearing at Family Court, Karur. She would therefore request this Court to transfer



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H.M.O.P.No.284 of 2025 from the Family Court, Karur to Family Court, Dindigul, to be tried along with H.M.O.P.No.337 of 2025.

5. Mr.Antony Rajadurai, learned counsel, on instructions from respondent would submit that it would be difficult for respondent to appear before Family Court, Dindigul. Therefore, he requests that respondent's physical appearance may be dispensed with, except for essential hearings where he agrees to appear in person. Importantly, respondent has no objection to transfer the case in H.M.O.P.No.284 of 2025 from the file of Family Court, Karur to Family Court, Dindigul.

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 Dindigul and Karur is considerable and since it will be difficult for the wife to travel for attending the Court, I am inclined to allow the petition seeking transfer as prayed for.



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7. In view thereof, H.M.O.P No.284 of 2025 pending on the file of Family Court, Karur, is hereby ordered to be withdrawn and transferred to the file of Family Court, Dindigul. The Family Court, Dindigul, shall try the said case along with H.M.O.P.No.337 of 2025 pending on its file.

8. Family Court may not insist upon the physical presence of husband on all hearing dates and permit 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.

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

27.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

1. The Family Court,
Karur.

2. The Family Court,
Dindigul.



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MOHAMMED SHAFFIQ, J.

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