



TR CMP(MD). No.183 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.01.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.183 of 2025

and

CMP(MD)No.4754 of 2025

Jeevana

... Petitioner

Vs.

M.Navaneethan

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case on the file of the Family Court, Theni in O.P.No.628 of 2024 and transfer the same to the Family Court, Madurai and pass such further or other orders.

For Petitioner : Mr.K.Sudalaiyandi

For Respondent : Mr.K.Saravanan



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ORDER

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This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of O.P.No.628 of 2024 from the file of Family Court, Theni and transfer the same to the Family Court, Madurai.

2. Heard Mr.K.Sudalaiyandi, learned counsel for petitioner and Mr.K.Saravanan, learned counsel for respondent.

3. The marriage between petitioner and respondent was solemnized on 06.06.2016 at Veerapandi Sree Kowmariamman Temple, Theni District, as per Hindu rites and customs. Out of wedlock, a female child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in O.P.No.628 of 2024 for divorce before Family Court, Theni. Pleading that wife is residing in Madurai and unable to travel from Madurai to Theni, she has moved this transfer petition.



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4. Learned counsel for petitioner would submit that petitioner has expressed difficulty to attend hearing at Family Court, Theni which is about 80 Kms from Madurai; and that she has no source of income and her daughter is only 9 years old and further she has apprehensions travelling to Theni.

5. Mr.K.Saravanan, learned counsel for respondent on the other hand expressed no objection, however, he requests to dispense with the physical appearance of the respondent before the Trial Court.

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 Madurai and Theni is considerable and since it will



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be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

7. In view thereof, O.P.No.628 of 2024 pending on the file of Family Court, Theni is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. The Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

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.



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

20.01.2026

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking
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MOHAMMED SHAFFIQ,J.

rgm

To

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

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