



TR CMP(MD). No.228 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.01.2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.228 of 2025
and
CMP(MD)No.5771 of 2025**

S.Rashmi

... Petitioner

Vs.

R.K.Ramasuwami Raja

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case on the file of the Principal Family Judge, Coimbatore in H.M.O.P.No.1743 of 2024 and transfer the same to the Family Court, Madurai and pass such further or other orders.

For Petitioner : M/s.N.Juliet Latha

For Respondent : Mr.K.Palmurugan



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ORDER

This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of H.M.O.P.No.1743 of 2024 from the file of Principal Family Judge, Coimbatore and transfer the same to the Family Court, Madurai.

2. Heard M/s.N.Juliet Latha, learned counsel for petitioner and Mr.K.Palmurugan, learned counsel for respondent.

3. The marriage between petitioner and respondent was solemnized on 28.08.2020 at Courtyard Marriot Hotel, Azhagar Kovil Road, Madurai, as per Hindu rites and customs. Out of wedlock, a male child was born on 21.05.2021. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.1743 of 2024 for divorce before Principal Family Judge, Coimbatore. Pleading that wife is residing in Madurai and unable to travel from Madurai to Coimbatore, 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 Principal Family Judge, Coimbatore which is about 211 Kms from Madurai; and that she has no source of income and her son is only 3½ years old and further she has apprehensions in travelling to Principal Family Judge, Coimbatore.

5. Mr.K.Palmurugan, learned counsel for respondent on the other hand would submit that respondent is currently residing in Bangalore and he has to travel all the way from Bangalore to Madurai and hence, 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



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of wife should be given a superior consideration than that of husband. As the distance between Madurai and Coimbatore is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

7. In view thereof, H.M.O.P.No.1743 of 2024 pending on the file of Sub Court, Melur is hereby ordered to be withdrawn and transferred to the file of Principal Sub Judge, Devakottai. The Principal Family Judge, Coimbatore, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Principal 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 petition is closed.

20.01.2026

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

rgm

To

1. The Principal Family Judge, Coimbatore
2. The Family Court, Madurai.

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and
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