



TR CMP(MD). No.339 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.339 of 2025
and
CMP(MD)No.9213 of 2025**

D.Malarvizhi

... Petitioner

Vs.

V.Dinakaran

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case on the file of the Learned Subordinate Judge, Paramakudi in HMOP No.17 of 2024 and transfer the same to the Subordinate Judge, Madurai and pass such further or other orders as this Honorable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.K.Sathish

For Respondent : Mrs.Aysha Begum



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ORDER

The present transfer petition has been filed invoking Section 24 of C.P.C by the wife praying to withdraw the case in HMOP No.17 of 2024 on the file of the Learned Subordinate Judge, Paramakudi and transfer the same to the Subordinate Judge, Madurai

2. Heard Mr.K.Sathish, learned counsel for petitioner and Mrs.Aysha Begum, learned counsel for respondent.

3. Learned counsel for petitioner would submit that marriage between petitioner and respondent was solemnized on 07.04.2003 at “Anna Society Centre”, Urmachikulam, Samayanallur, Madurai District, according to Hindu religious rites and customs. Out of wedlock, two female children were born namely Naveena and Dharshana. Due to differences, parties have separated. Thereafter, petitioner/wife filed a maintenance case in M.C.No.10 of 2023 before the learned Judicial Magistrate, Vadipatti, Madurai District and the same is pending adjudication.



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4. Learned counsel for petitioner would submit that petitioner has expressed difficulty to attend hearing at learned Subordinate Judge, Paramakudi which is about 110 Kms from Madurai District; and that she has no source of income and further she has apprehensions in travelling to learned Subordinate Judge, Paramakudi.

5. Mrs. Aysha Begum, learned counsel for respondent, submits that respondent/husband suffers from a medical ailment and hence, requests to dispense with the physical appearance of the respondent/husband 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



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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 Paramakudi is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to allow the petition seeking transfer as prayed for.

7. In view thereof, H.M.O.P.No.17 of 2024 pending on the file of Subordinate Judge, Paramakudi is hereby ordered to be withdrawn and transferred to the file of Subordinate Judge, Madurai. The Judge, Subordinate Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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8. 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
rgm

To

1. The Subordinate Judge, Madurai
2. The Subordinate Judge, Paramakudi



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MOHAMMED SHAFFIQ,J.

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