



TR CMP(MD). No.309 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.309 of 2025

and

CMP(MD)No.7723 of 2025

Nanthini

... Petitioner

Vs.

Vikranth Prabhu

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.1246 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of Family Court at Nagercoil, Kanyakumari District and pass further or other orders.

For Petitioner : Mr.G.Marichamy
for Mr.K.Pandiarajan

For Respondent : No Appearance



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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.1246 of 2024 from the file of Family Court, Madurai and transfer the same to the Family Court at Nagercoil, Kanyakumari District.

2. Heard Mr.G.Marichamy, learned counsel for petitioner.

3. The marriage between petitioner and respondent was solemnized on 27.01.2021 at Arulmighu Subramaniya Swamy Temple, Thirupparankundram, as per Hindu rites and customs. Out of wedlock, a female child was born on 06.03.2023. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No. 1246 of 2024 for Restitution of Conjugal Rights before Family Court, Madurai. Pleading that wife is residing in Thiruvananthapuram, Kerala and unable to travel from Thiruvananthapuram, Kerala to Madurai, 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, Madurai which is about 224 Kms from Thiruvananthapuram, Kerala; and that she has no source of income and her daughter is only 2 ½ years old and further she has apprehensions in travelling to Madurai.

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 Thiruvananthapuram, Kerala and Madurai is



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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 accept the transfer.

7. In view thereof, H.M.O.P.No.1246 of 2024 pending on the file of Family Court, Madurai is hereby ordered to be withdrawn and transferred to the file of Family Court at Nagercoil, Kanyakumari District. The Family Court at Nagercoil, Kanyakumari District, 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 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 Family Court, Nagercoil, Kanyakumari District
2. The Family Court, Madurai

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and
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