



TR CMP(MD). No.377 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.377 of 2025
and
CMP(MD)No.10267 of 2025**

Priyadharshini

... Petitioner

Vs.

Mathiyazhagan

... 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, Thoothukudi in HMOP No.110 of 2025 and transfer the same to the Family Court, 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.S.Muniyandi

For Respondent : Mr.S.Alagarsamy



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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.110 of 2025 on the file of the Family Court, Thoothukudi and transfer the same to the Family Court, Madurai.

2. Heard Mr.S.Muniyandi, learned counsel for petitioner and Mr.S.Alagarsamy, learned counsel for respondent.

3. The marriage between petitioner and respondent was solemnized on 29.06.2023 at Rajaprabha Marriage Hall, Gomathipuram Main Road, Melamada, Madurai, as per Hindu rites and customs. Soon after the wedding, petitioner and respondent had moved from matrimonial home to Thoothukudi. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.110 of 2025 for divorce before the learned Family Court, Thoothukudi. Pleading that wife is residing in Madurai and unable to travel from Madurai to Thoothukudi, 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 learned Family Court, Thoothukudi which is about 300 Kms to and fro; and that she has no source of income and further she has apprehensions in travelling to learned Family Court, Thoothukudi.

5. Mr.S.Alagarsamy, learned counsel for respondent would submit that after the transfer civil miscellaneous petition has been filed, the petitioner has also filed maintenance case in M.C.No.266 of 2025, before the Family Court, Madurai. He would further submit that since respondent is part of uniform service and presently posted at Thoothukudi, he would request 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



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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 Thoothukudi is considerable and since it will be difficult for the wife to attend the Court, I am inclined to accept the transfer.

7. In view thereof, H.M.O.P.No.110 of 2025 pending on the file of Family Court, Thoothukudi is hereby ordered to be withdrawn and transferred to the file of Family Court, 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 Family Court, Thoothukudi
2. The Family Court, Madurai



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MOHAMMED SHAFFIQ,J.

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