



TR.CMP(MD)No.409 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.409 of 2025
and
C.M.P.(MD)No.11160 of 2025

S.Poovizhi

...Petitioner

Vs

G.Ashok Kumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw and transfer the case in H.M.O.P.No.323 of 2024, pending on the file of the Sub-Court, Kovilpatti and to transfer the same to the Sub Court, Mudhukulathur, Ramanathapuram District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : No Appearance

ORDER

This transfer petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.323 of 2024 from the file of Sub-Court, Kovilpatti and transfer the same to Sub Court, Mudhukulathur, Ramanathapuram District.



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2. Heard G.Thalaimutharasu, learned Counsel for Petitioner.

3. When the matter came up for hearing on 10.11.2025, this Court referred it to mediation at the request of both parties. After four sessions of mediation, the Mediation and Conciliation Centre attached to this Bench filed its report dated 19.01.2026, stating that mediation was complete but no agreement had been reached between the parties. Today, when the matter came up for hearing, there was no appearance of counsel for the respondent or by the respondent in person.

4. The marriage between Petitioner and Respondent was solemnized on 15.05.2022, according to Hindu rites and customs and out of wedlock, a female child was born in the year 2023. Due to difference of opinion, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.323 of 2024 for divorce before Sub Court, Kovilpatti. Pleading that wife is residing in Ramanathapuram and unable to travel from Kovilpatti to Ramanathapuram, she has moved this transfer petition.



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5. Learned Counsel for Petitioner would submit that Petitioner has to be accompanied by her aged parents, who suffer from age related ailments. She does not have financial strength to even bear the travel expenditure to attend hearing at Sub Court, Kovilpatti, which is approximately 250 Kms (to and fro) from Ramanathapuram. He would therefore request this Court to transfer the case from the Sub-Court, Kovilpatti, to the Sub Court, Muthukulathur, Ramanathapuram District.

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 Ramanathapuram and Kovilpatti 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 allow the petition seeking transfer as prayed for.



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7. In view thereof, HMOP No.323 of 2024 pending on the file of Sub Court, Kovilpatti, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Mudhukulathur, Ramanathapuram District. The Sub Court, Mudhukulathur, Ramanathapuram District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. With the above observations, the Transfer Petition is **allowed**. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

27.01.2026

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Nsr

To:

1. The Sub Court, Kovilpatti.
2. The Sub Court, Mudhukulathur
Ramanathapuram District.



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MOHAMMED SHAFFIQ, J.

Nsr

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