



TR CMP(MD). No.416 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.01.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.416 of 2025
and
CRMP(MD)No.11274 of 2025**

R.Ganga Eswari,

... Petitioner

Vs.

R.Balamurugesan,

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and Transfer the H.M.O.P.No. 135/2025 on the file of the Family Court, Tirunelveli, Tirunelveli District and Transfer the same to the Subordinate Court, Tiruchendur, Thoothukudi District.

For Petitioner : Mr.Ka.Raamakrishnan,

For Respondent : Mr.K.Sankarraman,

ORDER

This Transfer Civil Miscellaneous Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of



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H.M.O.P.No.135 of 2025 from the file of Family Court, Tirunelveli, Tirunelveli District and transfer the same to the file of Subordinate Court, Tiruchendur, Thoothukudi District.

2. Heard Mr.Ka.Raamakrishnan, learned counsel for petitioner and Mr.K.Sankarraman, learned counsel for respondent.

3. Petitioner married the respondent on 22.06.2014, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.135 of 2025 for divorce before Family Court, Tirunelveli, Tirunelveli District. Pleading that wife is residing in Thoothukudi and unable to travel from Thoothukudi to Tirunelveli, she has moved this transfer petition.

4. Mr.K.Sankarraman, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer H.M.O.P.No.135 of 2025, from the file of Family Court, Tirunelveli, Tirunelveli District, to the file of Subordinate Court, Tiruchendur, Thoothukudi District.



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5. 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 Thoothukudi and Tirunelveli is considerable and since it will be difficult for the wife to leave her aged widowed mother behind and travel to attend the Court, I am inclined to accept the transfer.

6. In view thereof, H.M.O.P. No.135 of 2025 pending on the file of Judge, Family Court, Tirunelveli, Tirunelveli District, is hereby ordered to be withdrawn and transferred to the file of Subordinate Court, Tiruchendur, Thoothukudi District.



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

05.01.2026

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

TO

1. The Judge,
Family Court,
Tirunelveli,
Tirunelveli District.

2.The Subordinate Judge,
Tiruchendur,
Thoothukudi District.



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MOHAMMED SHAFFIQ,J.

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