



TR CMP(MD). No.440 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.01.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.440 of 2025
and
CMP(MD)No.12076 of 2025**

S.Anitha

... Petitioner

Vs.

G.Karthick Raja

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case on the file of the Hon'ble Sub Court, Melur, Madurai District in HMOP No.33 of 2024 and transfer the same to the Hon'ble Principal Sub Judge, Devakottai and pass such further or other orders.

For Petitioner : Mr.Laxmi Gopinathan
for M/s.Polex Legal Solutions

For Respondent : Mr.M.Arun Kumar



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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 HMOP No.33 of 2024 from the file of Sub Court, Melur, Madurai District and transfer the same to the Principal Sub Judge, Devakottai.

2. Heard learned counsel for petitioner and learned counsel for respondent.

3. Marriage between petitioner and respondent took place on 08.09.2014 at Sri Vellimalaiyaandi Swamy Temple, as per Hindu rites and customs. Out of wedlock, two children (twins) namely Thashwin and Thanuja were born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.33 of 2024 for divorce before Sub Court, Melur. Pleading that wife is residing in Thiruppathur, Sivagangai District and unable to travel from Thiruppathur to Melur, she has moved this transfer petition.



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4. Learned counsel for petitioner would submit that since petitioner is working as a Government School Teacher at Pudupatti near Thiruppathur, Sivagangai District and the children are also studying in 4th standard in Sri Andavar International School, Devakottai, it would be difficult for her to defend herself effectively if the matters are heard before the Sub Court, Melur.

5. She would further submit that petitioner has filed restitution of conjugal rights in H.M.O.P.No.195 of 2025 before the Principal Sub Judge, Devakottai and hence would submit that the present HMOP filed by respondent/husband may be tried together.

6. Mr.M.Arun Kumar, learned counsel for respondent on the other hand would submit that matter could be transferred to Sub Court Thirupathur, Sivagangai District which is a equidistant to both petitioner as well as respondent.



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7. 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. Distance between Melur and Devakottai is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court.

8. In view thereof, H.M.O.P.No.33 of 2024 pending on the file of Sub Court, Melur is hereby ordered to be withdrawn and transferred to the file of Principal Sub Judge, Devakottai. The Principal Sub Judge, Devakottai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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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
rgm

To

1. The Principal Sub Judge
2. The Sub Court, Melur, Madurai District



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MOHAMMED SHAFFIQ, J.

rgm

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