



Tr.C.M.P.(MD)No.473 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM :

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.473 of 2025

and

C.M.P.(MD)No.13357 of 2025

Nagadevi alias Bhavithra Sankar

.. Petitioner

Vs.

S.Vignesh

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in OP No.4325/2024 on the file of V Additional Family Court, at Chennai and to transfer the same to Family Court, at Madurai and pass such further or other order as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.A.Arumugam

For Respondent : No appearance



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of O.P.No.4325/2024 from the file of V Additional Family Court at Chennai and transfer the same to the file of Family Court, Madurai.

2. Heard Mr.A.Armugam, learned counsel for petitioner. Though notice was served on the respondent and proof was filed, none appeared on behalf of the respondent.

3. The marriage between Petitioner and Respondent was solemnized on 31.05.2020 as per Hindu rites and customs. Out of wedlock, a female child was born and she is now three years old. Due to differences, parties have separated. The respondent/husband initiated proceedings in O.P.No. 4325 of 2024 for divorce before the V Additional Family Court, Chennai.

4. Learned Counsel appearing for petitioner would submit that petitioner has to be accompanied by her aged parents, who suffer from age related ailments. The petitioner has to take care of her three year old female child. The petitioner is now residing at her parents' house in Madurai; her



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parents are taking care of the petitioner and she depends on her parents for her daily needs. She is unemployed, does not have financial strength and she expressed her difficulty inasmuch as she may have to travel distance of 900Kms (to and fro) from Madurai to attend each hearings at V Additional Family Court, Chennai. She would therefore request this Court to transfer the case from the V Additional Family Court at Chennai to Family Court, Madurai.

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 Madurai and Chennai 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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6. In view thereof, OP.No.4325 of 2024 pending on the file of V Additional Family Court, Chennai, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7. Family Court need not insist upon the appearance of husband on all hearing dates. For non-essential and procedural hearings, husband will be represented by 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.

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
Speaking Order : Yes/No
Neutral Citation: Yes/No
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To

1.The Judge,
V Additional Family Court,
Chennai.

2.The Judge,
Family Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

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