



Tr.CMP(MD).No.456 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Tr.CMP(MD).No.456 of 2025

and

CMP(MD).No.12945 of 205

K.Abinaya

... Petitioner

vs.

P.Ranjith

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the proceedings in H.M.O.P.No. 227/2023 on the file of the III Additional Sub Court, Madurai and to transfer the same to on the file of Honourable Family Court, Tiruppur.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.V.S.Arihara Sudhan

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of HMOP.No.227 of 2023 from the file of III Additional Sub court, Madurai and transfer the same to the file of Family Court, Tiruppur.



Tr.CMP(MD).No.456 of 2025

2. Heard, Mr.J.Jeyakumaran, learned Counsel for the Petitioner and Mr.V.S.Arihara Sudhan, learned Counsel for the respondent.

3. Petitioner married the respondent on 07.09.2022, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband has filed a divorce petition in HMOP.No.227 of 2023 before III Additional Sub court, Madurai. The petitioner has filed a petition in HMOP.No.274 of 2025 seeking relief of restitution of conjugal rights and also filed a maintenance case in M.C.No.44 of 2025 before Family Court, Tiruppur. Petitioner has expressed difficulty to attend hearing before III Additional Sub Court, Madurai, which is about 173 Kms from Tiruppur. Pleading that wife is residing in Tiruppur and unable to travel from Tiruppur to Madurai, she has moved this transfer petition.

4. Mr.V.S.Ariharasudhan, learned counsel for respondent submitted that respondent may have some difficulty, if he requires to travel and be physically present for all the hearings.



Tr.CMP(MD).No.456 of 2025

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 Tiruppur and Madurai is not considerable and since it will be difficult for the wife to travel and attend the Court, I am inclined to accept the transfer.

6. In view thereof, H.M.O.P. No.227 of 2023 pending on the file of III Additional Sub Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of Family Court, Tiruppur. The Judge, Family Court, Tiruppur, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



Tr.CMP(MD).No.456 of 2025

7. Family Court may not insist upon the physical presence of husband on all hearing dates and permit to appear through Video Conferencing. For non-essential and procedural hearings, he may be permitted to be represented through 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 allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

09.01.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
gvn



Tr.CMP(MD).No.456 of 2025

To:
WEB COPY

1. The III Additional Sub Court,
Madurai.

2.The Judge,
Family Court, Tiruppur



WEB COPY



Tr.CMP(MD).No.456 of 2025

MOHAMMED SHAFFIQ, J.

gvn

Order made in
Tr.CMP(MD)No.456 of 2025

09.01.2026