



TR CMP(MD). No.452 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.01.2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.452 of 2025
and
CMP(MD)No.12665 of 2025

R.Vithya @ S.M.Vithya, ... Petitioner

Vs.

D.Rajan, ... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to order to withdraw and transfer the case in H.M.O.P.No.156 of 2024 pending on the file of the III Sub Court, Madurai to the Principal Family Court, Chennai.

For Petitioner : Mr.A.K.Manikkam,

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed by the wife, invoking Section 24 of the Code of Civil Procedure. 1908, . She seeks withdrawal of H.M.O.P.No.156 of 2024 from the file of III Sub Court, Madurai and transfer the same to the file of Principal Family Court, Chennai.



TR CMP(MD), No.452 of 2025

WEB COPY

2. Heard Mr.A.K.Manikkam, learned counsel for petitioner.

3. Petitioner married the respondent on 05.07.2012, according to Hindu rites and customs. Out of wedlock, a child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.156 of 2024 for divorce before III Sub Court, Madurai. Pleading that wife is residing in Chennai and unable to travel from Chennai to Madurai, she has moved this transfer petition.

4. This Court had directed notice to be served on respondent/husband, and the Court notice was duly served on 20.08.2025. Today, learned counsel for petitioner has filed proof of service both through Court and by private notice; however, there is no appearance on behalf of respondent/husband.

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



TR CMP(MD), No.452 of 2025

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 Chennai and Madurai is considerable and since it will be difficult for the wife to leave her child behind and travel to attend the Court, I am inclined to accept the transfer.

6. In view thereof, H.M.O.P. No.156 of 2024 pending on the file of III Sub Court, Madurai, is hereby ordered to be withdrawn and transferred to the file of Principal Family Court, Chennai. The Principal Family Court, Chennai, is directed to dispose of the aforementioned case as expeditiously as possible.

7. Family Court may not insist upon the physical presence of husband on all hearing dates and permit him 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.



TR CMP(MD), No.452 of 2025

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

06.01.2026

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

TO

1. The III Sub Court,
Madurai.
2. The Principal Family Court,
Chennai



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TR CMP(MD), No.452 of 2025

MOHAMMED SHAFFIQ,J

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TR CMP(MD) No.452 of 2025

06.01.2026