



Tr.CMP(MD)No.502 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.502 of 2025

and

C.M.P.(MD)No.13996 of 2025

Mangayarkarasi

...Petitioner

Vs

Vijayaragavan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.MO.P.No.193 of 2025 on the file of Family Court, Dindigul and transfer the same to be tried along with H.M.O.P.No.89 of 2025 filed by Petitioner before Family Court, Pudukkottai.

For Petitioner : Mr.N.Balakrishnan

For Respondent : Mr.D.Ramesh Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.MO.P.No.193 of 2025 from the file of Family Court, Dindigul and transfer the same to Family Court, Pudukkottai, to be tried along with H.M.O.P.No.89 of 2025.



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2. Heard Mr.N.Balakrishnan, learned Counsel for Petitioner and Mr.D.Ramesh Kumar, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 01.06.2012, according to Hindu rites and customs. Out of wedlock, two sons were born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.193 of 2025 for divorce before Family Court, Dindigul and Petitioner/Wife filed a petition for restitution of conjugal rights in H.M.O.P.No.89 of 2025 Family Court, Pudukkottai. Pleading that wife is residing in Pudukkottai and unable to travel from Pudukkottai to Dindigul, she has moved this transfer petition.

4. Learned Counsel for Petitioner would submit that Petitioner has to be accompanied by her aged parents, who suffer from age related ailments. She is unemployed and does not have financial strength to even bear the travel expenditure to attend hearings. She also expressed difficulty inasmuch as she may have to travel a distance of 240 Kms (to and fro) from Pudukkottai to attend each hearing at Family Court, Dindigul. She would therefore request this Court to transfer the case from Family Court, Dindigul to Family Court, Pudukkottai.



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5. Mr.D.Ramesh Kumar, learned Counsel, on instructions from Respondent would submit it would be difficult for Respondent to appear before Family Court, Pudukkottai. Therefore, he requests that Respondent's physical appearance may be dispensed with, except for essential hearings where he agrees to appear in person. Importantly, Respondent has no objection to transfer the case in H.M.O.P.No. 193 of 2025 from the file of Family Court, Dindigul to Family Court, Pudukkottai.

6. 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 Dindigul and Pudukkottai is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to allow the petition seeking transfer as prayed for.



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7. In view thereof, I.D.O.P.No.193 of 2025 pending on the file of Family Court, Dindigul, is hereby ordered to be withdrawn and transferred to the file of Family Court, Pudukkottai, to be tried along with H.M.O.P.No.89 of 2025. Family Court, Pudukkottai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Family Court, Pudukkottai 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.

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

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



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To:

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- 1.The Family Court, Pudukkottai.
- 2.The Family Court, Dindigul.



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MOHAMMED SHAFFIQ, J.

Nsr

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