



Tr.CMP(MD)No.482 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2026**

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

TR.CMP(MD)No.482 of 2025

and

C.M.P.(MD)No.13627 of 2025

Malarkodi @ Manjula

...Petitioner

Vs

Ilankumaran

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.MO.P.No.213 of 2024 on the file of Sub Court, Sankarankoil and transfer the same to be tried along with H.M.O.P.No.76 of 2025 on the file of Sub Court, Rajapalayam.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.P.Aathimoolapandian

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.MO.P.No.213 of 2024 from the file of Sub Court, Sankarankoil and transfer the same to Sub Court, Rajapalayam, to be tried along with H.M.O.P.No.76 of 2025.



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2. Heard Mr.S.Venkatesh, learned Counsel for Petitioner and Mr.P.Athimoolpandian, learned Counsel for Respondent.

3. When the matter came up for hearing on 06.10.2025, this Court referred the matter to mediation at the request of both parties. After eight sessions of mediation, the Mediation and Conciliation Centre attached to this Bench filed its report on 28.01.2026, stating that mediation was completed but no agreement had been reached between the parties.

4. The marriage between Petitioner and Respondent was solemnized on 24.08.2020, according to Hindu rites and customs. Out of wedlock, one male child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.213 of 2024 for divorce before Sub Court, Sankarankoil and Petitioner/Wife filed a petition for restitution of conjugal rights in H.M.O.P.No.76 of 2025 before Sub Court, Rajapalayam. Pleading that wife is residing in Rajapalayam and unable to travel from Rajapalayam to Sankarankoil, she has moved this transfer petition.



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5. Learned Counsel for Petitioner would submit that Petitioner has to be accompanied by her aged parents, who suffer from age related ailments. Petitioner has to take care of her 3 ½ year old minor son. 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 120 Kms (to and fro) from Rajapalayam to attend each hearing at Sub Court, Sankarankoil. She would therefore request this Court to transfer the case from Sub Court, Sankarankoil to Sub Court, Rajapalayam.

6. Mr.P.Aathimoolapandian, learned Counsel, on instructions from Respondent would submit that it would be difficult for Respondent to appear before Sub Court, Rajapalayam.

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. As



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the distance between Rajapalayam and Sankarankoil 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.

8. In view thereof, H.M.O.P.No.213 of 2024 pending on the file of Sub Court, Sankarankoil, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Rajapalayam, to be tried along with H.M.O.P.No.76 of 2025. Sub Court, Rajapalayam, is directed to dispose of the aforementioned cases expeditiously, preferably within a period of four months.

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

24.02.2026

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



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To:

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- 1.The Sub Court, Sankarankoil.
- 2.The Sub Court, Rajapalayam.



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MOHAMMED SHAFFIQ, J.

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