



Tr.CMP(MD)No.536 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.02.2026**

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

TR.CMP(MD)No.536 of 2025

and

C.M.P.(MD)No.14535 of 2025

Sonaipandiyammal

...Petitioner

Vs

Paulpandi

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.421 of 2024 on the file of Family Court, Dindigul and transfer the same to the file of Family Court, Madurai.

For Petitioner : Mr.T.Eashwar
For Respondent : Mr.N.Balasubramani

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.MO.P.No.421 of 2024 from the file of Family Court, Dindigul and transfer the same to Family Court, Madurai.

2. Heard Mr.T.Eashwar, learned Counsel for Petitioner and Mr.N.Balasubramani, learned Counsel for Respondent.



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3. The marriage between Petitioner and Respondent was solemnized on 14.06.2021, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.421 of 2024 for divorce before Family Court, Dindigul and Petitioner/Wife filed a domestic violence petition in D.V.C.No.3 of 2025 before Judicial Magistrate Court, Athoor, Dindigul. Pleading that wife is residing in Madurai and unable to travel from Madurai 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 140 Kms (to and fro) from Madurai 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, Madurai.



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5. Mr.N.Balasubramani, learned Counsel, on instructions from Respondent would submit it would be difficult for Respondent to appear before Family Court, Madurai. Therefore, he requests that Respondent's physical appearance may be dispensed with, except for essential hearings where he agrees to appear in person. He further submits that Respondent has no objection to transfer the case in H.M.O.P.No.421 of 2024 from the file of Family Court, Dindigul to Family Court, Madurai.

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 Madurai is considerable and since it will be difficult for the wife to 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, H.M.O.P.No.421 of 2024 pending on the file of Family Court, Dindigul, 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.

8. Family Court, Madurai 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.

25.02.2026

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



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To:

WEB COPY

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



WEB COPY



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MOHAMMED SHAFFIQ, J.

gvn

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