



TR CMP(MD). No.501 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.01.2026

CORAM

**THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**TR CMP(MD). No.501 of 2025  
and  
CMP(MD)No.13967 of 2025**

Parkavinatarajan,

... Petitioner

Vs

K.Ezhilnilavan,

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No. 82 of 2025 on the file of the learned Principal Subordinate Judge, Kumbakonam, and transfer the same to the learned Principal Subordinate Judge, Mayiladuthurai.

For Petitioner : Mr.S.Deenadhayan,

For Respondent : Mr.R.Maheswaran,

### **ORDER**

This Transfer Civil Miscellaneous Petition is file by wife, invoking under Section 24 of Civil Procedure Code. She seeks withdrawal of H.M.O.P.No. 82 of 2025 from the file of Principal Subordinate Judge,



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Kumbakonam and transfer the same to the file of Principal Subordinate Judge, Mayiladuthurai.

2. Heard Mr.S.Deenadhayalan, learned counsel for petitioner and Mr.R.Maheswaran, learned counsel for respondent.

3. Petitioner married the respondent on 01.02.2023, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No. 82 of 2025 for divorce before Principal Subordinate Judge, Kumbakonam. Pleading that wife is residing in Mayiladuthurai and unable to travel from Mayiladuthurai to Kumbakonam, she has moved this transfer petition.

4. Mr.R.Maheswaran, learned counsel for respondent filed a counter affidavit and on instructions from respondent submitted that respondent has no objection to transfer H.M.O.P.No. 82 of 2025, on the file of Principal Subordinate Judge, Kumbakonam to the file of Principal Subordinate Judge, Mayiladuthurai. He only requests that the above petition may be disposed of as expeditiously as possible.



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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 Mayiladuthurai and Kumbakonam is considerable and since it will be difficult for the wife to leave aged parents behind and travel to attend the Court;

6. In view thereof, HMOP No.82 of 2025 pending on the file of Principal Subordinate Judge, Kumbakonam, is hereby ordered to be withdrawn and transferred to the file of Principal Subordinate Judge, Mayiladuthurai. Learned Principal Subordinate Judge, Mayiladuthurai, is directed to dispose of the aforementioned case as expeditiously, preferably within a period of six months from the date of receipt of a copy of this order.



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7. With the above observations, the 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 Principal Subordinate Judge,  
Kumbakonam

2.The Subordinate Judge,  
Mayiladuthurai



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**MOHAMMED SHAFFIQ,J.**

LS

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