



TR.CMP(MD)No.496 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.496 of 2025
and
C.M.P.(MD)No.13858 of 2025

Banumathi

...Petitioner

Vs

Dhanapalan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw and transfer the case in H.M.O.P.No.43 of 2025, pending on the file of the Sub-Court, Paramakudi and to transfer the same to the Family Court, Trichy.

For Petitioner : Mr.G.Chandru

For Respondent : No Appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.43 of 2025 from the file of Sub-Court, Paramakudi and transfer the same to Family Court, Trichy.



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2. Heard Mr.G.Chandru, learned Counsel for Petitioner.

3. This Court, vide order dated 21.08.2025, directed notice to be served on the Respondent/Husband and the Court notice was duly served. Today, when the matter came up for hearing, though the Respondent's name was printed in the cause list, there was no appearance on his behalf.

4. The marriage between Petitioner and Respondent was solemnized on 29.08.2014, according to Hindu rites and customs and a girl baby was born out of wedlock. Due to difference of opinion, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.43 of 2025 for divorce before Sub Court, Paramakudi. Pleading that wife is residing in Trichy and unable to travel from Trichy to Paramakudi, she has moved this transfer petition.

5. Learned Counsel for the Petitioner would submit that Petitioner has to be accompanied by her aged parents, who suffer from age related ailments, and that lacks financial support to bear the expenses of attending hearings at the Sub-Court, Paramakudi. He would therefore request this



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Court to transfer the case from the Sub-Court, Paramakudi, to the Family Court, Trichy.

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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 Trichy and Paramakudi is considerable and since it will be difficult for the wife to leave the girl child behind and travel to attend the Court, I am inclined to allow the petition seeking transfer as prayed for.

7. In view thereof, HMOP No.43 of 2025 pending on the file of Sub Court, Paramakudi, is hereby ordered to be withdrawn and transferred to the file of Family Court, Trichy. The Family Court, Trichy, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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8. Family Court 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.

27.01.2026

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

To:

- 1.The Family Court, Trichy.
- 2.The Sub Court, Paramakudi.



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MOHAMMED SHAFFIQ, J.

Nsr

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