



TR.CMP(MD)No.517 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.517 of 2025
and
C.M.P.(MD)No.14179 of 2025

A.Diana

...Petitioner

Vs

M.Augustine

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the I.D.O.P.No.268 of 2023 pending before Principal District Sessions Court, Trichy and transfer the same to Principal District Court at Thanjavur District.

For Petitioner : Mr.A.Senthil Kumar

For Respondent : Mr.S.Savarimuthu
For Father Xavier Associates

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal and transfer the case in I.D.O.P.No.268 of 2023 from the file of Principal District Sessions Court, Trichy to Principal District Court at Thanjavur District.



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2. Heard Mr.A.Senthil Kumar, learned Counsel for Petitioner and Mr.S.Savarimuthu, learned Counsel for Father Xavier Associates for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 08.06.2014, according to Christian rites and customs. Out of wedlock, a male child was born in the year 2015. Due to differences, parties have separated. Petitioner/wife filed a petition seeking maintenance in M.C.No.7 of 2025 before Judicial Magistrate Court, Pattukkottai, Thanjavur District and the same is pending. In the meantime, Respondent/husband filed a petition seeking transfer of the said M.C.No.7 of 2025 from Pattukkottai to Trichy in Tr.C.M.P.(MD).No.410 of 2025 and the same was dismissed by this Court with cost on 08.08.2025. Thereafter, Respondent/husband initiated proceedings in I.D.O.P.No.268 of 2023 for divorce before Principal District Sessions Court, Trichy. Pleading that wife is residing in Pattukottai and unable to travel from Pattukottai to Trichy, 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.



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She does not have financial strength to even bear the travel expenditure to attend hearing at Principal District Sessions Court, Trichy, which is approximately 250 Kms (to and fro) from Pattukkottai. He would therefore request this Court to transfer the case from Principal District Sessions Court, Trichy to Principal District Court at Thanjavur District.

5. Mr.S.Savarimuthu, learned Counsel for Respondent, on instructions, would submit that it would be difficult for Respondent to appear before Principal District Court at Thanjavur District. 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 I.D.O.P.No.268 of 2023 from the file of Principal District Sessions Court, Trichy to Principal District Court at Thanjavur District.

6. 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 Pattukkottai and Trichy is considerable and since it will be difficult for the wife to leave her minor child 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.268 of 2023 pending on the file of Principal District Sessions Court, Trichy is hereby ordered to be withdrawn and transferred to the file of Principal District Court at Thanjavur District. The Principal District Court at Thanjavur District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Principal District Court, Thanjavur District, 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.

03.02.2026

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



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WEB COPY To:

- 1.The Principal District Court at Thanjavur District.
- 2.The Principal District Sessions Court, Trichy.



WEB COPY



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MOHAMMED SHAFFIQ, J.

Nsr

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