



Tr.C.M.P.(MD)No.527 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM :

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.527 of 2025

and

C.M.P.(MD)No.14371 of 2025

Muthueswari

.. Petitioner

Vs.

Surulirajan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the case in HMOP.No.375/2025 on the file of the Learned Family Court, Theni District and to transfer the said case to the Learned Sub Court at Thirumangalam, Madurai District and pass such further or other orders as this Honorable Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Petitioner : Mr.S.Sivaprakash

For Respondent : Mr.B.Prahalad Ravi



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Madurai. She would therefore request this Court to transfer the case from the Family Court, Theni to Sub Court, Thirumangalam, Madurai District.

5. The learned counsel for the petitioner would submit that on 06.01.2026, when the matter was taken up for hearing, the respondent pleaded that petitioner had filed a domestic violence case before the Judicial Magistrate, Peraiyur, and there was threat to the life of respondent from the petitioner and her family members. In this regard, the petitioner has now filed an undertaking affidavit stating that there will be no threat to the life and limb of the respondent.

6. Mr.B.Prahalad Ravi, learned counsel for the respondent, upon perusal of the undertaking affidavit filed by the petitioner, submitted that respondent has no serious objection to transfer HMOP No.375 of 2025 from the file of Family Court, Theni, to the file of Sub Court, Thirumangalam, Madurai District.



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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 the distance between Madurai and Theni is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court hearings, I am inclined to allow the petition seeking transfer as prayed for.

8. In view thereof, H.M.O.P No.375 of 2025 pending on the file of Family Court, Theni, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Thirumangalam, Madurai District. Learned Sub Judge, Thirumangalam, Madurai District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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9. With the above observations, this Transfer Petition is disposed of.

There is no order as to costs. Consequently, the connected miscellaneous petition is closed.

20.01.2026

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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MOHAMMED SHAFFIQ, J.

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To

1.The Judge,
Family Court,
Theni.

2.The Judge,
Sub Court,
Thirumangalam,
Madurai District.

Tr.C.M.P.(MD)No.527 of 2025
and
C.M.P.(MD)No.14371 of 2025

20.01.2026