



Tr.C.M.P.(MD)No.515 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2026

CORAM :

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.515 of 2025

and

C.M.P.(MD)No.14137 of 2025

R.Sankara Gomathi

.. Petitioner

Vs.

G.Ranjith Kumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.287 of 2025 on the file of Family Court, Dindigul and transfer the same to the Sub Court, Kovilpatti and pass such further or other orders as may deem fit and thus render justice.

For Petitioner : Mr.M.Prabu

For Respondent : No appearance



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problems in future. Petitioner issued a legal notice on 14.06.2025, seeking divorce. On 23.06.2025, the respondent sent a reply notice. Petitioner filed a petition in H.M.O.P.No.200 of 2025 before the Sub Court, Kovilpatti for divorce. Respondent/Husband initiated proceedings in H.M.O.P.No.287 of 2025 seeking relief of restitution of conjugal rights before the Family Court, Dindigul.

5. Learned Counsel for Petitioner would submit that petitioner is presently residing with her parents at Pudugramam, Kovilpatti Town, Thoothukudi District. Petitioner has to be accompanied by her aged parents. Petitioner is now working as Assistant in Kovilpatti Municipality. Petitioner has to take care of her 5 year old minor son. Petitioner expressed difficulty inasmuch as she may have to travel a distance of 400Kms (to and fro) from Thoothukudi to attend each hearing at Family Court, Dindigul. She would therefore request this Court to transfer the case from Family Court, Dindigul to Sub Court, Kovilpatti.



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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 Thoothukudi and Dindigul 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.

7. In view thereof, H.M.O.P No.287 of 2025 pending on the file of Family Court, Dindigul, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Kovilpatti. Learned Sub Judge, Kovilpatti, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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8. With the above observations, this Transfer Petition is allowed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

11.02.2026

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

gvn

To

1.The Judge,
Family Court,
Dindugl

2.The Judge,
Sub Court,
Kovilpatti,
Thoothukudi District.



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MOHAMMED SHAFFIQ, J.

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