



TR.CMP(MD)No.539 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.539 of 2025

and

C.M.P.(MD)No.14621 of 2025

Dhanalakshmi

...Petitioner

Vs

Gopalakrishnan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw and transfer the petition in H.M.O.P.No.77 of 2025 filed by the Respondent from Family Court, Pudukottai, Pudukottai District to the Sub-ordinate Court, Pattukottai, Thanjavur District.

For Petitioner : Mr.N.Balasubramanian

For Respondent : Mr.D.Rameshkumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.77 of 2025 from the file of Family Court, Pudukottai, Pudukottai District and transfer the same to Sub-ordinate Court, Pattukottai, Thanjavur District.



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2. Heard Mr.N.Balasubramanian, learned Counsel for Petitioner and Mr.D.Rameshkumar, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 15.05.2024, according to Hindu rites and customs and a male child was born out of wedlock. Due to difference of opinion, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.77 of 2025 for divorce before Family Court, Pudukottai, Pudukottai District. Pleading that wife is residing in Thanjavur and unable to travel from Pudukottai to Thanjavur, she has moved this transfer petition.

4. When the matter came up for hearing on 04.12.2025, this Court referred it to mediation at the request of both parties. However, learned Counsel for both sides submit that although the parties appeared before the Mediator, no settlement was reached.

5.Mr.D.Rameshkumar, learned Counsel for Respondent on instructions from respondent would submit that Respondent has no objection to transfer HMOP.No.77 of 2025, on the file of Family Court,



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Pudukottai, Pudukottai District to Sub-ordinate Court, Pattukottai, Thanjavur District.

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 Thanjavur and Pudukottai is considerable and since it will be difficult for the wife to leave the 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.77 of 2025 pending on the file of Family Court, Pudukottai, Pudukottai District, is hereby ordered to be withdrawn and transferred to the file of Sub-ordinate Court, Pattukottai, Thanjavur District. The Sub-ordinate Court, Pattukottai, Thanjavur District, 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, 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, Pudukottai, Pudukottai District.
- 2.The Sub-ordinate Court, Pattukottai, Thanjavur District.



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MOHAMMED SHAFFIQ, J.

Nsr

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