



Tr.CMP(MD)Nos.655 and 656 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2026

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CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)Nos.655 and 656 of 2024

and

C.M.P.(MD)Nos.15920 and 15922 of 2024

Venkatesh @ Varun

...Petitioner in both Petitions

Vs

Sripriya

...Respondent in both Petitions

Prayer in Tr.CMP.(MD).No.655 of 2024: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.MO.P.No.80 of 2023 on the file of Family Court, Nagapattinam and transfer the same to the file of Family Court, Thanjavur.

Prayer in Tr.CMP.(MD).No.656 of 2024: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in O.P.No.16 of 2024 on the file of Family Court, Nagapattinam and transfer the same to the file of Family Court, Thanjavur.

In both Petitions

For Petitioner : Mr.M.Pitchai Muthu

For Respondent : Mr.K.M.Karunakaran



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COMMON ORDER

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These transfer petitions are at the instance of the husband. He seeks withdrawal of the case in H.M.O.P.No.80 of 2023 and O.P.No.16 of 2024 from the file of Family Court, Nagapattinam and transfer the same to the file of Family Court, Thanjavur.

2. Heard Mr.M.Pitchaimuthu, learned Counsel for Petitioner and Mr.K.M.Karunakaran, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 28.06.2017, according to Hindu rites and customs. Out of wedlock, one male child was born. Due to differences, parties have separated. Respondent/wife initiated proceedings in H.M.O.P.No.80 of 2023 for divorce before Family Court, Nagapattinam and also filed a maintenance case in M.C.No.5 of 2023 before the Additional Mahila /Judicial Magistrate Court, Nagapattinam. Petitioner/husband filed a petition under the Guardian and Wards Act in O.P.No.16 of 2024 before the Family Court, Nagapattinam.

4. The learned Counsel for petitioner would submit that the minor male child, namely Harsith is presently in the custody of the respondent.



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Petitioner is carrying on real estate business and he has expressed difficulty inasmuch as he may have to travel a distance of 180 Kms (to and fro) from Thanjavur to attend each hearing at Family Court, Nagapattinam. He would therefore request this Court to transfer the case in H.M.O.P.No.80 of 2023 and O.P.No.16 of 2024 from the file of Family Court, Nagapattinam to Family Court, Thanjavur.

5. Mr.K.M.Karunakaran, learned Counsel appearing for the respondent would submit that the respondent has to be accompanied by her aged parents, who suffer from age related ailments. Respondent has to take care of her 7 years old minor male child. She does not have financial strength to even bear the travel expenditure to attend hearings. She further submits that without transferring the cases viz., H.M.O.P. No. 80 of 2023 and O.P.No.16 of 2024, pending on the file of the Family Court, Nagapattinam, the same may be tried together and disposed of as expeditiously as possible.

6. It is relevant to note that 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.



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7. In view thereof, this Court is not inclined to accept the prayers seeking for transfer. However, the Family Court, Nagapattinam is directed to dispose of the cases in H.M.O.P. No.80 of 2023 and O.P.No. 16 of 2024 expeditiously, preferably within a period of six months.

8. With the above directions, these Transfer Petitions are **disposed of**. There is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

25.02.2026

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

To:

1.The Family Court, Nagapattinam.

2.The Family Court, Thanjavur.



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MOHAMMED SHAFFIQ, J.

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