



TR.CMP(MD)No.542 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.542 of 2025

and

C.M.P.(MD)No.14924 of 2025

Maheswari

...Petitioner

**Vs**

Balamurugan

...Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.14 of 2025, pending on the file of the Sub-Court, Uthamapalayam and to transfer the same to the Family Court, Theni.

For Petitioner : Mr.G.Rajan

For Respondent : No Appearance

### **ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.14 of 2025 from the file of Sub-Court, Uthamapalayam and transfer the same to Family Court, Theni.



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2. Heard Mr.G.Rajan, learned Counsel for Petitioner.

3. This Court, vide order dated 11.09.2025, directed notice to be served on the Respondent/Husband. The Court notice was duly served and proof of service was filed by learned Counsel for Petitioner. Today, when the matter came up for hearing, though the Respondent's name was printed in the cause list, there was no appearance on his behalf.

4. The marriage between Petitioner and Respondent was solemnized on 31.08.2022, according to Hindu rites and customs. Due to difference of opinion, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.14 of 2025 for divorce before Sub Court, Uthamapalayam. Pleading that wife is residing in Kandamanur, Theni District and unable to travel from Kandamanur to Uthamapalayam, she has moved this transfer petition.

5. Learned Counsel for the Petitioner would submit that Petitioner has to be accompanied by her aged father, who suffers from age related ailments. She is unemployed and does not have financial strength to even bear the travel expenditure to attend hearing at Sub-Court,



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Uthamapalayam. He would therefore request this Court to transfer the case from the Sub-Court, Uthamapalayam, to the Family Court, Theni.

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 Kandamanur and Uthamapalayam is considerable and since it will be difficult for the wife to travel for attending the Court, I am inclined to allow the petition seeking transfer as prayed for.

7. In view thereof, HMOP No.14 of 2025 pending on the file of Sub Court, Uthamapalayam, is hereby ordered to be withdrawn and transferred to the file of Family Court, Theni. The Family Court, Theni, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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8. Family Court 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.

**27.01.2026**

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

To:

1. The Family Court, Theni.
2. The Sub Court, Uthamapalayam.



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**MOHAMMED SHAFFIQ, J.**

Nsr

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