



TR.CMP(MD)No.566 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.566 of 2025
and
C.M.P.(MD)No.15470 of 2025

J.Afrin Rosi

...Petitioner

Vs

T.Al Hamid Sultan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the suit for declaration that the pronouncement of talaq is valid, filed by Respondent against Petitioner in O.S.No.245 of 2025 from the file of VII-Additional Family Court at Chennai and transfer the the same to Family Court at Sivagangai for trial and for disposal according to law.

For Petitioner : Mr.M.Gurudas Singh

For Respondent : Mr.S.Thenmozhi Shivaperumal

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal and transfer the case in O.S.No.245 of 2025 from the file of VII-Additional Family Court at Chennai to Family Court at Sivagangai.



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2. Heard Mr.M.Gurudas Singh, learned Counsel for Petitioner and Mr.S.Thenmozhi Shivaperumal, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 12.10.2024, according to Muslim rites and customs. Due to differences, parties have separated. Respondent/husband filed suit for declaration that the pronouncement of talaq is valid, in O.S.No.245 of 2025 before VII-Additional Family Court at Chennai. Pleading that wife is residing in Ilayangudi and unable to travel from Ilayangudi to Chennai, she has moved this transfer petition.

4. Learned Counsel for Petitioner would submit that Petitioner has to be accompanied by her aged parents, who suffer from age related ailments. She is unemployed and does not have financial strength to even bear the travel expenditure to attend hearing at VII-Additional Family Court at Chennai, which is approximately 900 Kms (to and fro) from Ilayangudi. He would therefore request this Court to transfer the case from VII-Additional Family Court at Chennai to Family Court at Sivagangai.



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5. Mr.S.Thenmozhi Shivaperumal, learned Counsel for Respondent, on instructions, would submit that it would be difficult for Respondent to appear before Family Court at Sivagangai. Therefore, he requests that Respondent's physical appearance may be dispensed with, except for essential hearings where he agrees to appear in person. Importantly, Respondent has no objection to transfer the case in O.S.No.245 of 2025 from the file of VII-Additional Family Court at Chennai to Family Court at Sivagangai.

6. 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 Ilayangudi and Chennai is considerable and since it will be difficult for the wife travel to attend the Court proceedings, I am inclined to allow the petition seeking transfer as prayed for.

7. In view thereof, O.S.No.245 of 2025 pending on the file of VII-Additional Family Court at Chennai is hereby ordered to be withdrawn and transferred to the file of Family Court at Sivagangai. The Family Court



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at Sivagangai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Family Court at Sivagangai, 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.

03.02.2026

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

To:

1. The VII-Additional Family Court at Chennai.
2. The Family Court at Sivagangai.



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MOHAMMED SHAFFIQ, J.

Nsr

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