



TR CMP(MD). No.670 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.02.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.670 of 2024

and

CMP(MD)No.16182 of 2024

G.Uma Maheswari

... Petitioner

Vs.

N.M.Sabarish

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP no. 674/2024 filed by the respondent against the petitioner before the Family Court Nagercoil to the Family court, Karaikal and to pass such other and further orders as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.N.S.Karthikeyan

For Respondent : Mr.Seenu Ramachandran
for Mr.G.Mariappan



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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.674 of 2024 from the file of Family Court, Nagercoil and transfer the same to the file of Family Court, Karaikal.

2. Heard Mr.N.S.Karthikeyan, learned counsel for petitioner and Mr.G.Mariappan, learned counsel for respondent.

3. The marriage between Petitioner and Respondent was solemnized on 01.02.2023, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.674 of 2024 for divorce before Family Court, Nagercoil. Pleading that wife is residing in Karaikal and unable to travel from Karaikal to Nagercoil, she has moved this transfer petition.

4. Learned counsel for petitioner would submit that petitioner has to be accompanied by her mother, who suffer from age related ailments. She is unemployed and does not have financial strength to even bear the



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travel expenditure. She also expressed difficulty inasmuch as she may have to travel a distance of 500 Kms (to and fro) from Karaikal to attend each hearings at Family Court, Nagercoil. She would therefore request this Court to transfer the case from Family Court, Nagercoil to Family Court, Karaikal.

5. Mr.N.S.Karthikeyan, learned counsel, on instructions from respondent would submit that it would be difficult for respondent to appear before Family Court, Karaikal. 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 H.M.O.P.No.674 of 2024 from Family Court, Nagercoil to Family Court, Karaikal.

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



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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 Karaikal and Nagercoil 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, H.M.O.P.No.674 of 2024 pending on the file of Family Court, Nagercoil, is hereby ordered to be withdrawn and transferred to the file of Family Court, Karaikal. The Family Court, Karaikal, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

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.



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9. With the above observations, Transfer Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.02.2026

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

To

1. The Family Court, Karaikal
2. The Family Court, Nagercoil



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MOHAMMED SHAFFIQ,J.

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