



TR.CMP(MD)No.560 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.560 of 2025

and

C.M.P.(MD)No.15412 of 2025

S.Muthamil Selvi

...Petitioner

Vs

M.Senthil Kumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.1497 of 2025, pending on the file of the Principal Family Court, Chennai and to transfer the same to the Sub Court, Uthamapalayam, Theni District.

For Petitioner : Mr.T.Pradeep

For Respondent : No Appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.1497 of 2025 from the file of Principal Family Court, Chennai and transfer the same to Sub Court, Uthamapalayam, Theni District.



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2. Heard Mr.T.Pradeep, learned Counsel for Petitioner.

3. This Court, vide order dated 23.09.2025, 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 10.07.2011, according to Hindu rites and customs and out of wedlock, a male child was born in the year 2014. Due to difference of opinion, parties have separated. Petitioner filed O.P.No.119 of 2025 on the file Sub Court, Uthamapalayam, Theni District seeking annulment of the marriage solemnized between Petitioner and Respondent. In the meantime, Respondent/husband initiated proceedings in H.M.O.P.No.1497 of 2025 seeking restitution of conjugal rights before Principal Family Court, Chennai. Pleading that wife is residing in Uthamapalayam Taluk, Theni District and unable to travel from Uthamapalayam Taluk, Theni District to Chennai, she has moved this transfer petition.



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5. Learned Counsel for the Petitioner would submit that Petitioner has to be accompanied by her aged parents, who suffers from age related ailments, and that, as a woman with a minor son studying in 7th Standard, it is difficult for her to attend hearings at the Principal Family Court, Chennai. He would therefore request this Court to transfer the case from the Principal Family Court, Chennai, to the Sub Court, Uthamapalayam, Theni 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 Uthamapalayam Taluk, Theni District and Chennai is considerable and since it will be difficult for the wife to leave the minor son behind and travel to attend the Court, I am inclined to allow the petition seeking transfer as prayed for.



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7. In view thereof, HMOP No.1497 of 2025 pending on the file of Principal Family Court, Chennai is hereby ordered to be withdrawn and transferred to the file of Sub Court, Uthamapalayam, Theni District. The Sub Court, Uthamapalayam, Theni District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

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 Principal Family Court, Chennai.
- 2.The Sub Court, Uthamapalayam, Theni District.



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MOHAMMED SHAFFIQ, J.

Nsr

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