



TR.CMP(MD)No.567 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.567 of 2025

and

C.M.P.(MD)Nos.15680 and 15681 of 2025

Nagasuriya Praba

...Petitioner

Vs

K.G.Dinesh

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw and transfer the case in H.M.O.P.No.138 of 2025, pending on the file of the Family Court, Salem and to transfer the same to the Family Court, Madurai.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.T.Indirachittu

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.138 of 2025 from the file of Family Court, Salem and transfer the same to Family Court, Madurai.



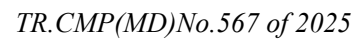
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2. Heard Mr.M.Suresh, learned Counsel for Petitioner and Mr.T.Indirachittu, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 23.11.2023, according to Hindu rites and customs. Due to difference of opinion, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.138 of 2025 for divorce before Family Court, Salem. Pleading that wife is residing in Madurai and unable to travel from Madurai to Salem, she has moved this transfer petition.

5. Learned Counsel for Petitioner would submit that at the time of marriage, Petitioner was a divorcee having two children and that, she does not have financial strength to even bear the travel expenditure to attend hearing at Family Court, Salem, which is approximately 500 Kms (up and down) from Madurai. He would therefore request this Court to transfer the case from Family Court, Salem to Family Court, Madurai.

6. Mr.T.Indirachittu, learned Counsel for Respondent, on instructions from Respondent, would submit that it would be difficult for Respondent to appear before Family Court, Madurai. Therefore, he requests that



7. 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 Madurai and Salem is considerable and since it will be difficult for the wife to leave two children behind and travel to attend the Court, I am inclined to allow the petition seeking transfer as prayed for.

8. In view thereof, HMOP No.138 of 2025 pending on the file of Family Court, Salem, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. The Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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9. 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.

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

27.01.2026

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

To:

- 1.The Family Court, Madurai.
- 2.The Family Court, Salem.



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MOHAMMED SHAFFIQ, J.

Nsr

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