



TR.CMP(MD)No.574 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.574 of 2025
and
C.M.P.(MD)No.16096 of 2025

R.Suganya

...Petitioner

Vs

M.Rajesh Kumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.106 of 2025, pending on the file of the Family Court, Srivilliputhur and to transfer the same to the Family Court, Madurai.

For Petitioner : Ms.P.Revathi Muthumani

For Respondent : Ms.G.Vidhya

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.106 of 2025 from the file of Family Court, Srivilliputhur and transfer the same to Family Court, Madurai.



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2. Heard Ms.P.Revathi Muthumani, learned Counsel for Petitioner and Ms.G.Vidhya, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 19.05.2024, according to Hindu rites and customs. Due to difference of opinion, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.106 of 2025 for divorce before Family Court, Srivilliputhur. Pleading that wife is residing in Madurai and unable to travel from Madurai to Srivilliputhur, 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 Family Court, Srivilliputhur, which is approximately 165 Kms (up and down) from Madurai. She would therefore request this Court to transfer the case from the Family Court, Srivilliputhur to Family Court, Madurai.



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5. Ms.G.Vidhya, learned Counsel, on instructions from Respondent would submit that it would be difficult for Respondent to appear before Family Court, Madurai. Therefore, she 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. 106 of 2025 from the file of Family Court, Srivilliputhur to Family Court, Madurai.

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 Madurai and Srivilliputhur 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.



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7. In view thereof, HMOP No.106 of 2025 pending on the file of Family Court, Srivilliputhur, 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.

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



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WEB COPY To:

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



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MOHAMMED SHAFFIQ, J.

Nsr

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