



Tr.C.M.P.(MD)No.603 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM :

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.603 of 2025

and

C.M.P.(MD)No.17101 of 2025

P.Bharathi Devi

.. Petitioner

Vs.

Muthukumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No. 443/2025 on the file of Family Court, Theni and transfer the same to the Sub Court, Thirumangalam, Madurai District and thus render justice.

For Petitioner : Mr.P.Venkatesan

For Respondent : No appearance



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.443 of 2025 from the file of Family Court, Theni and transfer the same to the file of Sub Court, Thirumangalam, Madurai District.

2. Heard Mr.P.Venkatesan, learned counsel for petitioner. Though notice was served upon the respondent and proof was filed, none appeared on behalf of the respondent when the matter was taken up for hearing today.

3. The petitioner and respondent got married on 21.02.2024 as per Hindu rites and customs. The marriage between the petitioner and the respondent is a second marriage. Due to differences of opinion, parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.443 of 2025 before Family Court, Theni seeking divorce on the ground of cruelty. The petitioner has expressed difficulty in attending hearings at Family Court, Theni, which is about 80 Kms from Madurai. Petitioner is required to be accompanied by her parents for every court hearings. The petitioner is now residing with her parents' at Madurai; her parents are taking care of the petitioner. Petitioner has no source of income and presently dependent on her



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parents even for her daily needs. Thus, she may not be in a position to even bear the travel expenditure.

4. 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 Theni 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.

5. In view thereof, H.M.O.P.No.443 of 2025 pending on the file of Family Court, Theni, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Thirumangalam. Learned Judge, Sub Court, Thirumangalam, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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6. With the above observations, the Transfer Petition is disposed of.

There is no order as to costs. Consequently, the connected miscellaneous petition is closed.

20.01.2026

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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1.The Judge,
Family Court,
Theni.

2.The Judge,
Sub Court, Thirumangalam,
Madurai District.



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MOHAMMED SHAFFIQ, J.

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