



TR CMP(MD). No.587 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.01.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.587 of 2025
and
CRMP(MD)No.16540 of 2025**

Kowsalya,

... Petitioner

Vs.

P.Jeevanandham,

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.247 of 2024, on the file of the Sub Court, Virudhunagar and transfer the same to the file of the Sub Court, Keeranur, Pudukottai District.

For Petitioner : Mr.A.Joel Paul Antony,

For Respondent : Mr.R.Rajamohan,

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.247 of 2024 from the file of



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Sub Court, Virudhunagar and transfer the same to the file of Sub Court, Keeranur, Pudukottai District.

2.Heard Mr.A.Joel Paul Antony, learned counsel for petitioner and Mr.R.Rajamohan, learned counsel for respondent.

3.Petitioner married the respondent on 19.11.2023, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.247 of 2024 for divorce before Sub Court, Virudhunagar. Pleading that wife is residing in Pudukkottai and unable to travel from Pudukkottai to Virudhunagar, she has moved this transfer petition.

4. Mr.R.Rajamohan, learned counsel for respondent filed a counter affidavit and on instructions from respondent submitted that respondent has no objection to transfer HMOP.No.247 of 2024, on the file of Sub Court, Virudhunagar to the file of Sub Court, Keeranur, Pudukottai District.



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5.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 Pudukkottai and Virudhunagar is considerable and since it will be difficult for the wife to leave aged parents behind and travel to attend the Court, I am inclined to accept the transfer.

6.In view thereof, HMOP No.247 of 2024 pending on the file of Sub Court, Virudhunagar, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Keeranur, Pudukottai District. Learned Subordinate Judge, Keeranur, Pudukottai District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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7. With the above observations, the Transfer Petition is allowed.

There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

06.01.2026

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

1. The Sub Court,
Virudhunagar

2. The Sub Court,
Keeranur,
Pudukottai District



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MOHAMMED SHAFFIQ,J.

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