



Tr.C.M.P.(MD)No.601 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.601 of 2025

and

C.M.P.(MD)No.17071 of 2025

Pandilatha

.. Petitioner

Vs.

Senthilkumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No. 354/2024 on the file of the Family Court, Sivagangai and transfer the same to Family Court, Madurai and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.S.Senthil Kumar

For Respondent : No appearance



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ORDER

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This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.354 of 2024 from the file of Family Court, Sivagangai and transfer the same to the file of Family Court, Madurai.

2. Heard Mr.M.S.Senthil Kumar, learned counsel for petitioner. Though notice was served on the respondent and his name was also printed in the causelist, none appeared on behalf of the respondent.

3. The marriage between Petitioner and Respondent was solemnized on 09.06.2014, according to Hindu rites and customs. Out of wedlock, a male child was born and he is now 12 years old. Due to differences, parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.354 of 2024, for divorce before the Family Court, Sivagangai. Pleading that wife is residing in Madurai and unable to travel from Madurai to Sivagangai, she has moved this transfer petition. The Petitioner has also filed petition in HMOP.No.1468 of 2025 seeking relief of restitution of conjugal rights before the Family Court, Madurai.



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4. Learned Counsel for Petitioner would submit that petitioner has to take care of her minor son, who is 12 years old; petitioner is unemployed and does not have financial strength to even bear the travel expenditure to attend hearing at Family Court, Sivagangai, which is approximately 100 Kms (to and fro) from Madurai. She would therefore request this Court to transfer the case from the Family Court, Sivagangai to Family Court, Madurai.

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 Madurai and Sivagangai 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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6. In view thereof, H.M.O.P.No.354 of 2024 pending on the file of Family Court, Sivagangai, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. Learned Family Court Judge, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7. The Family Court need not insist upon the appearance of husband on all hearing dates. For non-essential and procedural hearings, husband will be represented by 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.

8. 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
gvn



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1.The Judge,
Family Court,
Sivagangai.

2.The Judge,
Family Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

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