



*Tr.C.M.P.(MD)No.597 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.597 of 2025**

**and**

**C.M.P.(MD)No.16954 of 2025**

D.Gayathri

.. Petitioner

Vs.

L.Dineshkumar

.. Respondent

**Prayer** : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in HMOP No.3 of 2025 on the file of the Learned Sub Court, Ramanathapuram to be heard and tried on the file of the Sub Court, Pattukottai, Thanjavur District or any other court in Thanjavur District and pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.C.Suresh Kannan



*Tr.C.M.P.(MD)No.597 of 2025*

WEB COPY

### **ORDER**

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.3 of 2025 from the file of Sub Court, Ramanathapuram and tried on the file of Sub Court, Pattukottai, Thanjavur District or any other Court in Thanjavur District.

2. Heard Mr.H.Velavadhas, learned counsel for petitioner and Mr.C.Suresh Kannan, learned Counsel for respondent.

3. The marriage between Petitioner and Respondent was solemnized on 17.09.2023, according to Hindu rites and customs. Due to differences, parties have separated. The respondent/husband initiated proceedings before the Sub Court, Ramanathapuram in H.M.O.P.No.3 of 2025 seeking to declare the marriage as null and void. The petitioner has also filed maintenance case as well as domestic violence case in M.C.No.3 of 2025 and DVC.No.2 of 2025 before the Judicial Magistrate, Peravoorani, Thanjavur District.



*Tr.C.M.P.(MD)No.597 of 2025*

WEB COPY

4. The learned Counsel for petitioner would submit that petitioner is now residing at her parents' house in Peravoorani, Thanjavur District; since her parents are taking care of the petitioner; petitioner is required to be accompanied by her parents for every court hearings; and there is also serious threat to the life of the petitioner. The petitioner's aged parents are already have their own age-related ailments. Petitioner is unemployed and does not have financial strength to even bear the travel expenditure to attend hearing at Sub Court, Ramanathapuram, which is approximately 400 Kms (to and fro) from Thanjavur. She would therefore request this Court to transfer the case from the Sub Court, Ramanthapuram to Sub Court, Pattukottai, Thanjavur District or any other Court in Thanjavur District.

5. Mr.C.Suresh Kannan, learned counsel for the respondent, prays that this Court may transfer the said H.M.O.P. No. 3 of 2025 from the file of Sub Court, Ramanathapuram, to any other Court situated between Thanjavur District and Ramanathapuram District. This Court do not find any merits in the submission of the learned counsel for the respondent.



*Tr.C.M.P.(MD)No.597 of 2025*

WEB COPY

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 Thanjavur and Ramanathapuram 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.

7. In view thereof, H.M.O.P No.3 of 2025 pending on the file of Sub Court, Ramanathapuram, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Pattukottai, Thanjavur District. Learned Judge, Sub Court, Pattukottai, Thanjavur District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



*Tr.C.M.P.(MD)No.597 of 2025*

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



WEB COPY



*Tr.C.M.P.(MD)No.597 of 2025*

**MOHAMMED SHAFFIQ, J.**

gvn

To

1.The Judge,  
Sub Court,  
Ramanathapuram District.

2.The Judge,  
Sub Court,  
Pattukottai,  
Ramanathapuram District.

**Tr.C.M.P.(MD)No.597 of 2025**  
**and**  
**C.M.P.(MD)No.16954 of 2025**

**20.01.2026**