



*TR CMP(MD). No.598 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**

**T.R.C.M.P.(MD). No.598 of 2025  
and  
CMP(MD)No.16978 of 2025**

P.Sahana Sri,

... Petitioner

Vs.

S.Vinothkumar,

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.50 of 2025 on the file of the Subordinate Court, Manapparai, Trichirappalli District and to transfer the same to the file of Family Court, Dindigul to try along with HMOP No.400 of 2025.

For Petitioner : Mr.R.Thangapandian,

For Respondent : Ms.R.Shyamala,  
For Mr.G.Mathavan,

**ORDER**

This Transfer Petition is at the instance of wife. She seeks withdrawal of H.M.O.P.No.50 of 2025 on the file of the Subordinate Court, Manapparai, Trichirappalli District and transfer the same to the file



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of Family Court, Dindigul to try along with the H.M.O.P.No.400 of 2025, on the file of Family Court, Dindigul filed by petitioner for restitution of conjugal rights.

2. Heard Mr.R.Thangapandian, learned counsel for petitioner and Ms.R.Shyamala, learned counsel for respondent.

3. Petitioner married the respondent on 08.02.2017, according to Hindu rites and customs. Out of wedlock, a child was born. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.50 of 2025 for divorce before Subordinate Court, Manapparai, Tiruchirappalli District. Petitioner also filed a petition in H.M.O.P.No.400 of 2025, before Family Court, Dindigul for restitution of conjugal rights. Pleading that wife is residing in Dindigul and unable to travel from Dindigul to Tiruchirappalli, she has moved this transfer petition.

4. Ms.R.Shyamala, learned counsel for respondent on instructions from respondent submitted that respondent has no objection to transfer



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H.M.O.P.No.50 of 2025 on the file of the Subordinate Court, Manapparai, Trichirappalli District and transfer the same to the file of Family Court, Dindigul.

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 Tiruchirappalli and Dindigul is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the request for transfer.

6. In view thereof, H.M.O.P.No.50 of 2025 on the file of the Subordinate Court, Manapparai, Trichirappalli District, is hereby ordered to be withdrawn and transferred to the file of Family Court, Dindigul. Learned Judge, Family Court, Dindigul, is directed to dispose of the



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aforementioned case along with H.M.O.P.No.400 of 2025, as expeditiously as possible.

7. Family Court may not insist upon the physical presence of husband on all hearing dates and permit him 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.

8. 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  
LS



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TO

1. The Subordinate Court,  
Manapparai,  
Trichirappalli District

2.The Family Court,  
Dindigul



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**MOHAMMED SHAFFIQ,J.**

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