



Tr.C.M.P.(MD)No.699 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.699 of 2025

and

C.M.P.(MD)No.19826 of 2025

Jannath Nasrin Banu

.. Petitioner

Vs.

Sheik Meeran Mydeen

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the divorce petition in OS No.208 of 2025 on the file of the Principal District Munsiff Court, Tenkasi and to transfer the same to the District Munsiff Court, Nanguneri and thus render justice.

For Petitioner : Mr.R.Mohanasundaram

For Respondent : No appearance



Tr.C.M.P.(MD)No.699 of 2025

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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of O.S.No.208 of 2025 from the file of Principal District Munsif Court, Tenkasi and transfer the same to the file of District Munsif Court, Nanguneri.

2. Heard Mr.R.Mohanasundaram, 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 27.06.2019, according to Muslim rites and customs. Out of wedlock, a female child was born and she is now 3 ½ years old. Due to differences, parties have separated. The respondent/husband initiated proceedings in O.S.No.208 of 2025 for divorce before the Principal District Munsif Court, Tenkasi.



Tr.C.M.P.(MD)No.699 of 2025

WEB COPY

4. The learned Counsel for petitioner would submit that petitioner is now residing at her parents' house at Tirunelveli; her parents are taking care of the petitioner and her 3½ year old female child. Petitioner is unemployed and does not have financial strength to even bear the travel expenditure to attend hearing at Principal District Munsif Court, Tenkasi, which is approximately 130 Kms (to and fro) from Tirunelveli. She would therefore request this Court to transfer the case from the Principal District Munsif Court, Tenkasi to District Munsif Court, Nanguneri.

5. 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 Tirunelveli and Tenkasi is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court hearings, I am inclined to allow the petition seeking transfer as prayed for.



Tr.C.M.P.(MD)No.699 of 2025

WEB COPY

6. In view thereof, O.S.No.208 of 2025 pending on the file of Principal District Munsif Court, Tenkasi, is hereby ordered to be withdrawn and transferred to the file of District Munsif Court, Nanguneri. Learned Judge, District Munsif Court, Nanguneri, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7. District Munsif Court, Nanguneri may not insist upon the physical presence of husband on all hearing dates and permit 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 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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Tr.C.M.P.(MD)No.699 of 2025

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To

1.The Judge,
Principal District Munsif Court,
Tenkasi.

2.The Judge,
District Munsif Court,
Nanguneri.



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Tr.C.M.P.(MD)No.699 of 2025

MOHAMMED SHAFFIQ, J.

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Tr.C.M.P.(MD)No.699 of 2025
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