



TR CMP(MD). No.640 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.01.2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.640 of 2025

and

CMP(MD)No.18535 of 2025

and

CMP(MD)No.245 of 2026

Abirami

... Petitioner

Vs.

Muthuganesan

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the proceeding in H.M.O.P.No. 450 of 2025 pending before the Family Court, Karur and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.T.Joshua

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.450 of 2025 from the file of Family Court, Karur and transfer the same to Family Court, Madurai.



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2. Heard Mr.K.Sathish Kumar, learned counsel for petitioner and Mr.T.Joshua, learned counsel for respondent.

3. The marriage between petitioner and respondent was solemnized on 20.11.2024, according to Hindu rites and customs. Due to differences, parties have separated. Petitioner/wife filed a petition seeking maintenance and the same is pending before Family Court, Madurai in M.C.No.244 of 2025. While so, respondent/husband filed a petition in H.M.O.P.No.450 of 2025, for restitution of conjugal rights before Family Court, Karur. Pleading that wife is residing in Madurai and unable to travel from Madurai to Karur, she has moved this transfer petition.

4. Learned Counsel for petitioner would submit that petitioner has to be accompanied by her aged parents, who suffer from age related ailments. She is unemployed and does not have financial strength to even bear the travel expenditure to attend hearing at Family Court, Karur, which is approximately 280 Kms (to and fro) from Madurai. She would therefore request this Court to transfer the case from the Family Court, Karur to Family Court, Madurai.



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5. Mr.T.Joshua, learned Counsel, on instructions from respondent would submit that petitioner is in possession of the dwelling house/premise of respondent and she has locked the dwelling house/premise and kept the keys with herself.

6. In response, learned counsel for petitioner would submit that petitioner is ready and willing to hand over the keys of the said dwelling house/premise to respondent.

7. The Joint Memo dated 27.01.2026, has been filed by the parties to that effect. The same is extracted herein below:-

“It is submitted that the above Tr.C.M.P. Petition has been filed to transfer the H.M.O.P.No.450 of 2025 pending in the Hon'ble Family Court, Karur to Family Court, Madurai. When the matter came up for final hearing, the counsel for the petitioner (wife) agreed to give the key of the dwelling house of the respondent (husband) on or before 21.02.2026 and the same was accepted by the respondent counsel. To that effect, we both petitioner counsel and respondent counsel filing this Joint Memo before this Hon'ble Court.”



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8. That apart, learned counsel for respondent would submit that it would be difficult for respondent to appear before Family Court, Madurai. Therefore, he requests that respondent's physical appearance may be dispensed with, except for essential hearings where he agrees to appear in person. Importantly, respondent has no objection to transfer the case in H.M.O.P.No.450 of 2025 from the file of Family Court, Karur to Family Court, Madurai.

9. 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 Karur 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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10. In view thereof, H.M.O.P.No.450 of 2025 pending on the file of Family Court, Karur, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. The Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

11. Family Court 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.

12. With the above observations, the Transfer Petition is **allowed**. The Joint Memo filed by the parties shall be treated as part and parcel of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.01.2026

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking
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MOHAMMED SHAFFIQ,J.

rgm

To

1. The Family Court, Karur
2. The Family Court, Madurai

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and
CMP(MD)No.18535 of 2025

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