



TR.CMP(MD). No.605 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 05.01.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**TR CMP(MD). No.605 of 2025
and
CMP(MD)Nos.17192 &17193 of 2025**

Thaitechayani

... Petitioner

Vs.

Honest Ambikapathi

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.210 of 2025 pending on the file of the Family Court at Karur and transfer the same to the file of the Sub-Court at Tiruchirappalli.

For Petitioner : Mr.B.Fazilkirmani,

For Respondent : Mr.T.Lenin Kumar

ORDER

This Transfer Civil Miscellaneous Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of H.M.O.P.No.210 of 2025 from the file of Family Court, Karur and transfer the same to the file of Subordinate Court, Tiruchirappalli.



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2. Heard Mr.B.Fazilkirmani, learned counsel for petitioner and Mr.T.Lenin Kumar, learned counsel for respondent.

3. Petitioner married the respondent on 01.09.2022, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.210 of 2025 for divorce before Family Court, Karur.

4. Mr.B.Fazilkirmani, learned counsel for petitioner submitted that the petitioner is residing in Tiruchirappalli and it is difficult to travel to Karur, to attend every hearing, which is about 240 kilometers away. Learned counsel further submitted that she has to take care of her ailing mother (suffering from kidney ailment) and would have to be accompanied by his brother. Hence, she has moved this transfer petition.

5. Mr.T.Lenin Kumar, learned counsel for respondent, on instructions from respondent, submitted that petitioner's brother posed a threat to his life however when it was suggested that an undertaking would be filed by the petitioner's brother, he readily agreed.



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6. Today (i.e.05.01.2026), an undertaking affidavit has been filed by Mr.P.Loganathan, who is the brother of petitioner, which was also perused by learned counsel for respondent, who would now agree for the matter to be transferred to Sub Court, Tiruchirappalli, in H.M.O.P.No. 210 of 2025, pending on the file of Family Court, Karur.

7. 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 Karur is considerable and since it will be difficult for the wife to leave her aged ailing mother behind and travel to attend the Court, I am inclined to accept the transfer.



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8. In view thereof, H.M.O.P.No.210 of 2025 pending on the file of Judge, Family Court, Karur, is hereby ordered to be withdrawn and transferred to the file of Subordinate Court, Tiruchirappalli. It is open to the petitioner to appear before the trial Court through video conferencing. The Subordinate Judge, Tiruchirappalli, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

9. With the above observations, the Transfer Civil Miscellaneous Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

05.01.2026

Index :Yes/No
Web :Yes/No
Speaking/Non Speaking
LS

TO

1.The Judge,
Family Court, Karur.

2.The Subordinate Judge,
Sub-Court,
Tiruchirappalli.

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MOHAMMED SHAFFIQ,J

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