



Tr.C.M.P.(MD)No.617 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.617 of 2025

and

C.M.P.(MD)No.17951 of 2025

Arulmozhi @ Diviya

.. Petitioner

Vs.

T.Jegadesan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.200 of 2025 on the file of the Learned Sub Court, Sivakasi filed by the respondent herein and the same may be transferred to the court of the Learned Family Court, Trichy and pass such other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Veerapandiselvaraj

For Respondent : M/s.Srividhya Aravindhan
(Through VC)



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4. Mrs.Srividhya Aravindhan, learned counsel for respondent, on instructions from respondent, submitted that respondent has no objection to transfer HMOP.No.200 of 2025, on the file of Sub Court, Sivakasi to the file of Family Court, Trichy.

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 Trichy and Sivakasi 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.

6. In view thereof, H.M.O.P.No.200 of 2025 pending on the file of Sub Court, Sivakasi, is hereby ordered to be withdrawn and transferred to the file of Family Court, Trichy. The Family Court, Trichy, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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7. 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.

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



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To
1.The Judge,
Sub Court,
Sivakasi,
Virudhunagar District.

2.The Judge,
Family Court,
Tiruchirappalli.



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MOHAMMED SHAFFIQ, J.

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