



TR CMP(MD). No.659 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.659 of 2025

and

CMP(MD)No.19351 of 2025

Aadhi Nachiyar @ Gayathiri

... Petitioner

Vs.

Sivakaminathan @ Praveen

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the proceeding in H.M.O.P.No. 94 of 2025 on the file of the Family Court, Tirunelveli and transfer the same to the Family Court, Chennai and pass such other orders.

For Petitioner : Mr.I.Robert Chandra Kumar

For Respondent : Mr.K.Rajeswaran



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ORDER

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This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of H.M.O.P.No.94 of 2025 from the file of Family Court, Tirunelveli and transfer the same to the Family Court, Chennai.

2. Heard Mr.I.Robert Chandra Kumar, learned counsel for petitioner and Mr.K.Rajeswaran, learned counsel for respondent.

3. The marriage between petitioner and respondent was solemnized on 21.08.2023 at Rose Mahal Marriage Hall, Tirunelveli, as per Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.94 of 2025 for divorce before Family Court, Tirunelveli. Pleading that wife is residing in Chennai and unable to travel from Chennai to Tirunelveli, she has moved this transfer petition.



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4. Learned counsel for petitioner would submit that petitioner is residing with her aged parents at Chennai and she may have to travel about 700 Kms, for every hearing at Family Court, Tirunelveli. He would further submit that she has apprehensions travelling to Family Court, Tirunelveli.

5. Mr.K.Rajeswaran, learned counsel for respondent on the other hand would submit that though respondent was initially residing at Chennai, he has now moved to Tirunelveli. Hence, he requests to dispense with the physical appearance of the respondent before the Family Court.

6. 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



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the distance between Chennai and Tirunelveli 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.

7. In view thereof, H.M.O.P.No.94 of 2025 pending on the file of Family Court, Tirunelveli is hereby ordered to be withdrawn and transferred to the file of Family Court, Chennai. The Family Court, Chennai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. 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.



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WEB COPY 9. With the above observations, the Transfer Petition stands allowed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

27.01.2026

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



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MOHAMMED SHAFFIQ,J.

rgm

To

1. The Family Court, Chennai
2. The Family Court, Tirunelveli

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and
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