



TR.CMP(MD)No.625 of 2025

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BEFORE THE Tirunelveli BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.625 of 2025

and

C.M.P.(MD)No.18072 of 2025

E.Helina Daliya

...Petitioner

Vs

E.Esakki Selvam

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in I.D.O.P.No.307 of 2025, pending on the file of the Family Court, Chengalpattu and to transfer the same to the Family Court, Tirunelveli.

For Petitioner : Mr.R.Narmathan

For Respondent : Mr.J.C.Rathinavel Pandian

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of I.D.O.P.No.307 of 2025 from the file of Family Court, Chengalpattu and transfer the same to Family Court, Tirunelveli.



TR.CMP(MD)No.625 of 2025

WEB COPY

2. Heard Mr.R.Narmathan, learned Counsel for Petitioner and Mr.J.C.Rathinavel Pandian, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 22.06.2008, according to Christian rites and customs. Out of wedlock, two children were born, who are now aged about 15 years and 11 years respectively. Due to differences, parties have separated. Respondent/husband initiated proceedings in I.D.O.P.No.307 of 2025 for dissolution of marriage before Family Court, Chengalpattu and Petitioner filed a petition in M.C.No.45 of 2024 seeking maintenance before Family Court, Tirunelveli and the same is pending. Pleading that wife is residing in Tirunelveli and unable to travel from Tirunelveli to Chengalpattu, 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 does not have financial strength to even bear the travel expenditure to attend hearing at Family Court, Chengalpattu, which is approximately 1130 Kms (to and fro) from Tirunelveli. He would therefore request this



TR.CMP(MD)No.625 of 2025

WEB COPY

Court to transfer the case from the Family Court, Chengalpattu to Family Court, Tirunelveli.

5. Mr.J.C.Rathinavel Pandian, learned Counsel, on instructions from Respondent would submit that it would be difficult for Respondent to appear before Family Court, Tirunelveli. 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 I.D.O.P.No.307 of 2025 from the file of Family Court, Chengalpattu to Family Court, Tirunelveli.

6.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 Chengalpattu is considerable and since it will be difficult for the wife to leave the children behind and travel to attend attend the Court proceedings, I am inclined to allow the petition seeking transfer as prayed for.

7. In view thereof, I.D.O.P.No.307 of 2025 pending on the file of Family Court, Chengalpattu, is hereby ordered to be withdrawn and



TR.CMP(MD)No.625 of 2025

transferred to the file of Family Court, Tirunelveli. The Family Court, Tirunelveli, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Family Court, Tirunelveli 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.

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

03.02.2026

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



TR.CMP(MD)No.625 of 2025

WEB COPY To:

- 1.The Family Court, Tirunelveli.
- 2.The Family Court, Chengalpattu.



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TR.CMP(MD)No.625 of 2025

MOHAMMED SHAFFIQ, J.

Nsr

TR.CMP(MD)No.625 of 2025

03.02.2026