



Tr.C.M.P.(MD)No.626 of 2025

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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.626 of 2025

and

C.M.P.(MD)No.18080 of 2025

P.Stella Grace

.. Petitioner

Vs.

T.Nithin

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the petition in D.O.P.No.39 of 2025 pending on the file of Learned District Judge, Nilgiris at Udthagamandalam and to transfer to be tried along with M.C.No.180 of 2025 pending on the file of learned Special Judge for Family Court, Madurai and pass such further or other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the above case and thus render justice.

For Petitioner : M/s.R.Nithiya

For Respondent : No appearance



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of D.O.P.No.39 of 2025 from the file of District Judge, Nilgiris at Udhagamandalam and transfer the same to the file of Family Court, Madurai.

2. Heard M/s.R.Nithya, learned counsel for petitioner. Though notice was served upon the respondent and his name was also printed in the causelist, none appeared on behalf of the respondent.

3. The marriage between Petitioner and Respondent was solemnized on 17.06.2024, according to Christian rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in D.O.P.No.39 of 2025 seeking for restitution of conjugal rights before the District Court, Nilgiris at Udhagamandalam and petitioner filed Domestic Violence Case before Judicial Magistrate, Additional Mahila court, in D.V.C.No.79 of 2025 as well as maintenance case in M.C.No.180 of 2025 before Family Court, Madurai.



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4. The learned Counsel for petitioner would submit that petitioner has to be accompanied by her aged parents, who suffer from age related ailments. Petitioner is unemployed; does not have financial strength and expressed difficulty inasmuch as she may have to travel a distance of 572Kms (to and fro) from Madurai to attend each hearings at District Judge, Nilgiri at Udhagamandalam. She would therefore request this Court to transfer the case from the District Judge, Nilgiris at Udhagamandalam to Family Court, Madurai.

5. 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 Nilgiris 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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6. In view thereof, D.O.P.No.39 of 2025 pending on the file of District Court, Nilgiris at Udhagamandalam, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7. Family Court need not insist upon the appearance of husband on all hearing dates. For non-essential and procedural hearings, husband may be represented by 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
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To
1.The Judge,
District Court,
Nilgiris at Udhagamandalam.

2.The Judge,
Family Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

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