



Tr.CMP(MD).No.648 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Tr.CMP(MD).No.648 of 2025

and

C.M.P.(MD).No.18832 of 2025

P.Tharaniya

... Petitioner

Vs.

G.Shanthanaprabhu

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.380 of 2025 on the file of Family Court, Dindigul District and transfer the same to the file of the Family Court, Madurai District for adjudication.

For Petitioner : M/s.A.Ananthi

For Respondent : Mr.R.Maheswaran

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.380 of 2025 from the file of Family Court, Dindigul and transfer the same to Family Court, Madurai.



Tr.CMP(MD).No.648 of 2025

2. Heard M/s.A.Ananthi, learned counsel for petitioner and Mr.R.Maheswaran, learned counsel for respondent.

3. Marriage between petitioner and respondent was solemnized on 05.09.2024, according to Hindu rites and customs. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.380 of 2025 for divorce before Family Court, Dindigul. Pleading that wife is residing in Madurai and unable to travel from Madurai to Dindigul, 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 also expressed difficulty inasmuch as she may have to travel a distance of 160 Kms to attend each hearing at Family Court, Dindigul. She would therefore request this Court to transfer the case from the Family Court, Dindigul to Family Court, Madurai.

5. Mr.R.Maheswaran, learned counsel, on instructions from respondent would submit that it would be difficult for respondent to appear before Family Court, Madurai. Therefore, he requests that respondent's physical appearance



Tr.CMP(MD).No.648 of 2025

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 H.M.O.P.No.380 of 2025 from the file of Family Court, Dindigul to Family Court, Madurai.

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 the distance between Madurai and Dindigul 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.380 of 2025 pending on the file of Family Court, Dindigul, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. The Family Court, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



Tr.CMP(MD).No.648 of 2025

WEB COPY

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.

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

02.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
1.The Family Court,
Dindigul.

2.The Family Court,
Madurai.



WEB COPY



Tr.CMP(MD).No.648 of 2025

MOHAMMED SHAFFIQ, J.

Lm

Tr.C.M.P(MD).No.648 of 2025

02.02.2026