



Tr.C.M.P.(MD)No.655 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2026

CORAM :

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.655 of 2025

and

C.M.P.(MD)No.19048 of 2025

R.Saranya Devi

.. Petitioner

Vs.

A.Chellapandiyan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw OP.No.545 of 2025 on the file of the Family Court, Theni and transfer the same to the file of the Subordinate Court, Aruppukkottai, to be heard and disposed of according to law and thus render justice.

For Petitioner : Mr.K.C.Ramalingam

For Respondent : Mr.G.Rajan



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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.545 of 2025 from the file of Family Court, Theni and transfer the same to Subordinate Court, Aruppukottai.

2. Heard Mr.K.C.Ramalingam, learned Counsel for Petitioner and Mr.G.Rajan, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 07.11.2011 at Arulmigu Kanneeswaramudaiyur Temple, Veerapandi Village, Bodinayakanur Taluk, Theni District, according to Hindu rites and customs. Out of wedlock, a male child was born and now 11 years old. Due to differences, parties have separated. Respondent/husband initiated proceedings in O.P.No.545 of 2025 for restitution of conjugal rights before Family Court, Theni.



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4. Learned Counsel for Petitioner would submit that petitioner is now working as Post Graduate Teacher at S.T.R.N. Government Higher Secondary School, Aruppukottai and her son is in sixth standard at Minerva Public School, Aruppukottai. Petitioner has to take care of her 11 year old minor son. Petitioner expressed her difficulty in travelling a distance of 220Kms (to and fro) from Aruppukottai to attend each hearing at Family Court, Theni. She would therefore request this Court to transfer the case from Family Court, Theni to Sub Court, Aruppukottai.

5. Mr.G.Rajan, learned Counsel for Respondent would submit that Respondent, who has been working in the Commercial Tax Department, was transferred to the Office of the Deputy Commissioner (ST), North-I, Chennai, and he is now residing at Chennai. Therefore, it would be difficult for the Respondent to appear before the Sub Court, Aruppukottai.



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

7. In view thereof, OP No.545 of 2025 pending on the file of Family Court, Theni, is hereby ordered to be withdrawn and transferred to the file of Sub-Court, Aruppukottai. The Sub-Court, Aruppukottai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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8. With the above observations, the Transfer Petition is disposed of.

There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

05.02.2026

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

1.The Judge,
Family Court,
Theni.

2.The Judge,
Sub Court, Aruppukkottai,
Virudhunagar District.



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MOHAMMED SHAFFIQ, J.

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