



*TR.CMP(MD)No.664 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2026

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**TR.CMP(MD)No.664 of 2025**  
**and**  
**CMP.(MD)No.19434 of 2025**

S.Jeyashanthi @ Beula

... Petitioner

Vs.

K.Kesavan @ Kithiyon

... Respondent

**PRAYER**

Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to pass orders to withdraw the case in D.O.P.No.371 of 2025 on the file of learned Principal District Judge, Thoothukudi and transfer the same to learned Principal District Judge, at Ramanathapuram.

For Petitioner : Mr.A.Sivasubramanian

For Respondent : Mr.Muthumalairaja



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*TR.CMP(MD)/No.664 of 2025*

## **ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of D.O.P.No.371 of 2025 from the file of Principal District Judge, Thoothukudi and transfer the same to Principal District Judge, at Ramanathapuram.

2. Heard Mr.A.Sivasubramanian, learned Counsel for Petitioner and Mr.Muthumalairaja, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 30.01.2023, according to Christian rites and customs. Out of wedlock, a male child was born and he is now 1 ½ years old. Due to differences, parties have separated. Respondent/husband initiated proceedings in D.O.P.No.371 of 2025 for restitution of conjugal rights before Principal District Judge, Thoothukudi. Pleading that wife is residing in Ramanathapuram and unable to travel from Ramanathapuram to Thoothukudi, she has moved this transfer petition.



*TR.CMP(MD)/No.664 of 2025*

4. Learned Counsel for Petitioner would submit that Petitioner has to be accompanied by her aged parents, who suffer from age related ailments. She is unemployed and does not have financial strength to even bear the travel expenditure to attend hearings. She also expressed difficulty inasmuch as she may have to travel a distance of 300 Kms (to and fro) from Ramanathapuram to attend each hearing at Principal District Court, Thoothukudi. She would therefore request this Court to transfer the case from the file of Principal District Judge, Thoothukudi to Principal District Judge at Ramanathapuram.

5. Mr.Muthumalairaja, learned Counsel, on instructions from Respondent would submit that it would be difficult for Respondent to appear before Principal District Judge, Thoothukudi. 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 D.O.P.No.371 of 2025 from the file of Principal District Judge, Thoothukudi to Principal District Judge at Ramanathapuram.



*TR.CMP(MD)/No.664 of 2025*

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 Ramanathapuram and Thoothukudi 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, D,O.P.No.371 of 2025 pending on the file of Principal District Judge, Thoothukudi, is hereby ordered to be withdrawn and transferred to the file of Principal District Judge, Ramanathapuram. The Principal District Judge, Ramanathapuram, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Principal District Judge, Ramanathapuram 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



***TR.CMP(MD)No.664 of 2025***

a specific order for his appearance or when his presence is indispensable.

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9. With the above observations, the Transfer Petition is allowed.

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

**27.01.2026**

rgm



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***TR.CMP(MD)No.664 of 2025***

**MOHAMMED SHAFFIQ, J.**

rgm

To:

1. The Principal District Judge, Ramanathapuram
2. The Principal District Judge, Thoothukudi

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**and**  
**CMP.(MD)No.19434 of 2025**

Dated: 27.01.2026