



TR.CMP(MD)No.671 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.671 of 2025

and

C.M.P.(MD)No.19505 of 2025

Valliammal

...Petitioner

Vs

Subramaniyan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw and transfer the case in H.M.O.P.No.288 of 2025, from the file of Family Court, Thoothukudi to Family Court, Coimbatore.

For Petitioner : Mr.Kannathan

For Respondent : Mr.C.Moovendran

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal and transfer the case in H.M.O.P.No.288 of 2025, from the file of the Family Court, Thoothukudi to the Family Court, Coimbatore.



TR.CMP(MD)No.671 of 2025

2. Heard Mr.Kannathasan, learned Counsel for Petitioner and Mr.C.Moovendran, learned Counsel for Respondent.

3. The marriage between Petitioner and Respondent was solemnized on 13.06.2021, according to Hindu rites and customs. Out of wedlock, a male child was born and he is now aged about 3 ½ years. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.288 of 2025 for divorce before Family Court, Thoothukudi. Pleading that wife is residing in Aanamalai, Coimbatore District and unable to travel from Aanamalai, Coimbatore District to Thoothukudi, she has moved this transfer petition.

4. Learned Counsel for Petitioner would submit that Petitioner is working as Sub-Inspector of Police at Aanamalai Police Station and finds it difficult to avail leave. She is also taking care of her aged parents, who suffer from age-related ailments and also her 3 ½ years old child. Further, she has to travel about 700 km (to and fro) to attend hearings at the Family Court, Thoothukudi. He would therefore request this Court to transfer the case from the Family Court, Thoothukudi to Family Court, Coimbatore.



TR.CMP(MD)No.671 of 2025

5. Mr.C.Moovendran, learned Counsel, on instructions from Respondent would submit that Respondent is working in Treasury Department, Thoothukudi and it would be difficult for him to appear before Family Court, Coimbatore. 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 H.M.O.P.No.288 of 2025, from the file of Family Court, Thoothukudi to the file of Family Court, Coimbatore.

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



TR.CMP(MD)No.671 of 2025

7. In view thereof, HMOP No.288 of 2025 pending on the file of Family Court, Thoothukudi, is hereby ordered to be withdrawn and transferred to the file of Family Court, Coimbatore. The Family Court, Coimbatore, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Family Court, Coimbatore 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

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



TR.CMP(MD)No.671 of 2025

To:

WEB COPY

- 1.The Family Court, Thoothukudi.
- 2.The Family Court, Coimbatore.



WEB COPY



TR.CMP(MD)No.671 of 2025

MOHAMMED SHAFFIQ, J.

Nsr

TR.CMP(MD)No.671 of 2025

02.02.2026