



Tr.CMP(MD)No.711 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.02.2026**

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

TR.CMP(MD)No.711 of 2025

and

C.M.P.(MD)No.19934 of 2025

S.Deepika

...Petitioner

Vs

R.Krishnakumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.MO.P.No.131 of 2024 on the file of Sub Court, Pollachi and transfer the same to the Family Court, Dindigul.

For Petitioner : Mr.P.Rajesh Kanna

For Respondent : Mr.S.Srikanth

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.131 of 2024 from the file of Sub Court, Pollachi and transfer the same to Family Court, Dindigul.

2. Heard Mr.P.Rajesh Kanna, learned Counsel for Petitioner and Mr.S.Srikanth, learned Counsel for Respondent.



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3. The marriage between Petitioner and Respondent was solemnized on 08.06.2017, according to Hindu rites and customs. Out of wedlock, one male child was born, who is now eight years old. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.131 of 2024 for divorce before Sub Court, Pollachi and Petitioner/Wife filed a petition for restitution of conjugal rights in H.M.O.P.No.459 of 2024 before Family Court, Dindigul. Pleading that wife is residing in Dindigul and unable to travel from Dindigul to Pollachi, 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. Petitioner has to take care of her 8 years old minor child. 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 240 Kms (to and fro) from Dindigul to attend each hearing at Sub Court, Pollachi. She would therefore request this Court to transfer the case from Sub Court, Pollachi to Family Court, Dindigul.



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5. Mr.S.Srikanth, learned Counsel, on instructions from Respondent would submit it would be difficult for Respondent to appear before Family Court, Dindigul. Therefore, he requests that Respondent's physical appearance may be dispensed with, except for essential hearings where he agrees to appear in person. However, Respondent has no objection to transfer the case in H.M.O.P.No.131 of 2024 from the file of Sub Court, Pollachi to Family Court, Dindigul.

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 Pollachi and Dindigul 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.



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7. In view thereof, H.M.O.P.No.131 of 2024 pending on the file of Sub Court, Pollachi, is hereby ordered to be withdrawn and transferred to the file of Family Court, Dindigul. Family Court, Dindigul, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Family Court, Dindigul 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.

25.02.2026

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

- 1.The Sub Court, Pollachi.
- 2.The Family Court, Dindigul.



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MOHAMMED SHAFFIQ, J.

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