



TR.CMP(MD)No.709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.01.2026**

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

TR.CMP(MD)No.709 of 2025
and
CMP.(MD)No.19939 of 2025

M.Kaleeswari

... Petitioner

Vs.

1. L.Muniyandi
2. G.Shankar

... Respondents

PRAYER

Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to pass orders to withdraw the case on the file of the Hon'ble 3rd Additional Sub Court, Madurai District in HMOP.No.206 of 2025 and transfer the same to the Hon'ble Sub Court, Palani.

For Petitioner : Mr.S.Lawrence Vimal Raj

For Respondents : No Appearance



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ORDER

This Transfer Petition invoking Section 24 of C.P.C is filed at the instance of wife. She seeks withdrawal of H.M.O.P.No.206 of 2025 from the file of 3rd Additional Sub Court, Madurai District and transfer the same to the Sub Court, Palani.

2. Heard Mr.S.Lawrence Vimal Raj, learned counsel for petitioner.

3. The marriage between petitioner and 1st respondent was solemnized on 03.11.2019 at Thangam Mahal, Pappampatti, Palani Dindigul District, as per Hindu rites and customs. Out of wedlock, a male child was born on 19.08.2022. Due to differences, parties have separated. While so, respondent/husband initiated proceedings in H.M.O.P.No.206 of 2025 for divorce before 3rd Additional Sub Court, Madurai. Pleading that wife is residing in Dindigul and unable to travel from Dindigul to Madurai, she has moved this transfer petition.



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4. Learned counsel for petitioner would submit that petitioner is residing with her aged parents at Palani, Dindigul District and she may have to travel about 250 Kms, for every hearing at 3rd Additional Sub Court, Madurai; and that she has no source of income and thus, she may not be in a position to bear the travel expenditure. He would further submit that her son is only 3 years old and further she has apprehensions travelling to Madurai.

5. That apart, he would submit that though notice has been served on respondent, none appeared on behalf of respondent today as well as on the earlier occasion.

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



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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 Palani and Madurai 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.206 of 2025 pending on the file of 3rd Additional Sub Court, Madurai is hereby ordered to be withdrawn and transferred to the file of Sub Court, Palani. The Sub Court, Palani, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. 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

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To:

1. The Sub Court, Palani.
2. The 3rd Additional Sub Court, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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MOHAMMED SHAFFIQ, J.

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