



TR CMP(MD). No.761 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.02.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

TR CMP(MD). No.761 of 2025

and

CMP(MD)No.20456 of 2025

Packiya @ Madhu Sri

... Petitioner

Vs.

K.Muthukumar

... Respondent

PRAYER :- Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw the proceeding in H.M.O.P.No. 214 of 2025 on the file of the Sub-Court, Kovilpatti and transfer the same to the file of the Family Court, Trichy to be tried along with M.C.No.137 of 2025.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.M.Prabhu

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.214 of 2025 from the file of Sub-Court, Kovilpatti and transfer the same to the file of Family Court, Trichy.



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2. Heard Mr.T.Lenin Kumar, learned counsel for petitioner and Mr.M.Prabhu, learned counsel for respondent.

3. The marriage between Petitioner and Respondent was solemnized on 02.02.2022, according to Hindu rites and customs. Out of wedlock, a male child was born and he is now 2 ½ years old. Due to differences, parties have separated. Respondent/husband initiated proceedings in H.M.O.P.No.214 of 2025 for divorce before Sub-Court, Kovilpatti. While so, petitioner/wife filed maintenance petition in M.C.No.137 of 2025 before Family Court, Trichy and the same is pending. Pleading that wife is residing in Trichy and unable to travel from Trichy to Kovilpatti, 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. She is unemployed and does not have financial strength to even bear the travel expenditure. She also expressed difficulty inasmuch as she may have to travel a distance of 500 Kms (to and fro) from Trichy to



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attend each hearings at Sub Court, Kovilpatti. She would therefore request this Court to transfer the case from the Sub-Court, Kovilpatti to Family Court, Trichy.

5. Mr.Prabhu, learned counsel, on instructions from respondent would submit that it would be difficult for respondent to appear before Family Court, Trichy. 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. 214 of 2025 from the file of Sub-Court, Kovilpatti to Family Court, Trichy.

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



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the distance between Trichy and Kovilpatti 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, H.M.O.P.No.214 of 2025 pending on the file of Sub-Court, Kovilpatti, is hereby ordered to be withdrawn and transferred to the file of Family Court, Trichy. The Family Court, Trichy, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Family Court 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.



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9. With the above observations, Transfer Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.02.2026

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

To

1. The Sub Court, Kovilpatti
2. The Family Court, Trichy



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MOHAMMED SHAFFIQ,J.

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