



TR.CMP(MD)No.739 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.01.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.739 of 2025
and
CMP.(MD)No.20273 of 2025

Asvini

... Petitioner

Vs.

1. Sahaya Prasath
2. Jinith

... Respondents

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.453 of 2025 from the file of the Family Court, Nagercoil, Kanyakumari District and transfer the same to the Principal District Court, Tenkasi District and consequently direct the transferee court to deal with the said case.

For Petitioner : Mr.R.L.Dhilipan Pandian

For R1 : Mr.S.M.P.Amalan



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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of D.O.P.No.453 of 2025 from the file of Family Court, Nagercoil and transfer the same to Principal District Court, Tenkasi.

2. Heard Mr.R.L.Dhilipan Pandian, learned Counsel for petitioner and Mr.S.M.P.Amalan, learned counsel for 1st respondent.

3. The marriage between petitioner and 1st respondent was solemnized on 14.11.2024, according to Christian rituals. Due to differences, parties have separated. 1st Respondent/husband initiated proceedings in D.O.P.No.453 of 2025, for divorce before Family Court, Nagercoil, Kanyakumari District. Pleading that wife is residing in Tenkasi and unable to travel from Tenkasi to Nagercoil, she has moved this transfer petition.



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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 300 Kms (to and fro) from Tenkasi to attend each hearings at Family Court, Nagercoil. She would therefore request this Court to transfer the case from Family Court, Nagercoil to Principal District Court, Tenkasi.

5. Mr.S.M.P.Amalan, learned Counsel for 1st respondent, on instructions would submit that it would be difficult for 1st respondent to appear before Principal District Court, Tenkasi. 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.453 of 2025 from the file of Family Court, Nagercoil to Principal District Court, Tenkasi.



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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 Tenkasi and Nagercoil 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, D.O.P.No.453 of 2025 pending on the file of Family Court, Nagercoil, is hereby ordered to be withdrawn and transferred to the file of Principal District Court, Tenkasi. The Principal District Court, Tenkasi, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. Principal District 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, 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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MOHAMMED SHAFFIQ, J.

rgm

To:

1. The Family Court, Nagercoil, Kanyakumari District
2. The Principal District Court, Tenkasi District

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