



TR.CMP(MD)No.733 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.733 of 2025
and
CMP.(MD)No.20205 of 2025

R.Soundarya

... Petitioner

Vs.

C.M.Santhosh Kumar

... Respondent

PRAYER

Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to pass orders to withdraw the case in H.M.O.P.No.45 of 2024 on the file of Additional Subordinate Court, Tirunelveli and transfer the same to the Family Court, Perambalur.

For Petitioner : Mr.S.Krishnan

For Respondent : Mr.S.Sathya Chidambaram



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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 to attend hearing at Additional Subordinate Court, Tirunelveli, which is approximately 900 Kms (to and fro) from Perambalur. She would therefore request this Court to transfer the case from the Additional Subordinate Court, Tirunelveli to Family Court, Perambalur.

5. Mr.S.Sathya Chidambaram, learned Counsel, on instructions from respondent would submit that it would be difficult for respondent to appear before Family Court, Perambalur. 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.45 of 2024 from the file of Additional Subordinate Court, Tirunelveli to Family Court, Perambalur.



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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 Perambalur and Tirunelveli 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.45 of 2024 pending on the file of Additional Subordinate Court, Tirunelveli, is hereby ordered to be withdrawn and transferred to the file of Family Court, Perambalur. The Family Court, Perambalur, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.



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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.

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

To:

1. The Additional Subordinate Court, Tirunelveli.
2. The Family Court, Perambalur.

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MOHAMMED SHAFFIQ, J.

rgm

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