



Tr.C.M.P.(MD)No.767 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM :

THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

Tr.C.M.P.(MD)No.767 of 2025

and

C.M.P.(MD)No.20593 of 2025

N.Pakiza Nasrin

.. Petitioner

Vs.

Faizal Mohammed Yousuff

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under section 24 of Civil Procedure Code to withdraw and transfer the case in O.S.No.280 of 2025 on the file of the VI Additional Principal Judge, Family Court, Chennai to the Family Court, Madurai and pass such or other orders and thereby render justice.

For Petitioner : Mr.J.Peer Mohammed

For Respondent : Mr.Aalam



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ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of O.S.No.280 of 2025 from the file of VI Additional Principal Judge, Family Court, Chennai and transfer the same to the file of Family Court, Madurai.

2. Heard Mr.J.Peer Mohammed, learned counsel for petitioner and Mr.Aalam, learned Counsel for respondent.

3. The marriage between Petitioner and Respondent was solemnized on 25.08.2013, according to Muslim rites and customs. Out of wedlock, male and female children were born and now her son is 10 yeas old and her daughter is 5 years old. Due to differences, parties have separated. The respondent/husband initiated proceedings in O.S.No.280 of 2025 seeking for restitution of conjugal rights before the VI Additional Principal Judge, Family Court, Chennai.



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4. The learned Counsel for petitioner would submit that petitioner has to take care of her two minor children; both of them are pursuing their education at Madurai. Petitioner is unemployed and does not have financial strength to even bear the travel expenditure to attend hearing at VI Additional Family Court, Chennai, which is approximately 900 Kms (to and fro) from Madurai. She would therefore request this Court to transfer the case from the VI Additional Principal Judge, Family Court, Chennai to Family Court, Madurai.

5. Mr.Aalam, learned counsel for respondent, on instructions from respondent, submitted that respondent has no objection to transfer O.S.No. 280 of 2025 on the file of VI Additional Principal Judge, Family Court, Chennai to the file of Family Court, Madurai. However, he prays that this Court may dispense with the physical presence of the respondent

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 Madurai and Chennai is considerable and since it will be difficult for the wife to leave the minor children behind and travel to attend the Court hearings, I am inclined to allow the petition seeking transfer as prayed for.



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7. In view thereof, O.S.No.280 of 2025 pending on the file of VI Additional Principal Judge, Family Court, Chennai, is hereby ordered to be withdrawn and transferred to the file of Family Court, Madurai. The Family Court Judge, Madurai, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. The Family Court need not insist upon the appearance of husband on all hearing dates. For non-essential and procedural hearings, husband will be represented by 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, this Transfer Petition is disposed of. There is no order as to costs. Consequently, the connected miscellaneous petition is closed.

20.01.2026

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
gyn



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To
1.The Judge,
VI Additional Principal Judge, Family Court,
Chennai.

2.The Judge,
Family Court,
Madurai.



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MOHAMMED SHAFFIQ, J.

gvn

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