

Tr.C.M.P.(MD)No.67 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.07.2026

Pronounced on : 10.07.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.67 of 2026
and
C.M.P.(MD)Nos.1338 and 1340 of 2026

P.Began Chandran

... Petitioner/
Respondent

Vs.

Ananthi

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.33 of 2025 on the file of the Principal Sub Court, Velloor and transfer the same to Family Court, Madurai or any other competent Court in Madurai District.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : No appearance



Tr.C.M.P.(MD)No.67 of 2026

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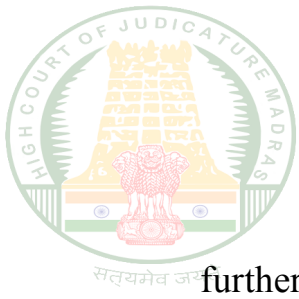
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.33 of 2025 from the file of the Principal Subordinate Court, Vellore, and transfer the same to the file of the Family Court, Madurai.

2. Despite service of notice to the respondent as well as to the counsel appearing for the respondent before the trial Court, the respondent failed to enter into appearance.

3. Heard the learned counsel appearing for the petitioner.

4. It is evident from the records that the marriage between the petitioner and the respondent was solemnized on 26.01.2023 as per the Hindu rites and customs and due to their wedlock, they were blessed with two female children, namely, Shree Meenakshidevi born on 27.10.2023 and Alagumeena born on 10.12.2024 and that subsequently there arose some misunderstanding between them and they are living separately. It is

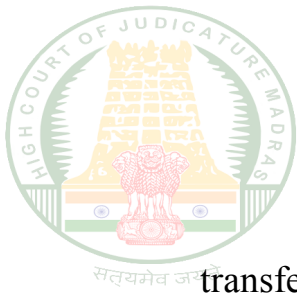


Tr.C.M.P.(MD)No.67 of 2026

WEB COPY

further evident that the respondent filed a petition in H.M.O.P.No.33 of 2025 seeking divorce and the same is pending on the file of the Principal Subordinate Court, Vellore.

5. The learned counsel appearing for the petitioner would contend that despite filing of the divorce petition filed by the respondent, the petitioner has always been willing to live together with the respondent and their children and to preserve the martial relationship, that the respondent's brother, namely, Nethaji converted to Islam and changed his name to Mohammed Thajudin and married a muslim woman, that thereafter, he attempted to convert the respondent's family members to Islam and the respondent's parents had already converted to Islam, that the respondent and her family members subsequently insisted the petitioner also to convert to Islam but the petitioner had refused for the same, that due to the said refusal, there arose frequent verbal altercations between the petitioner and the respondent's family members, more particularly, with the respondent's brother Mohammed Thajudin and as a result, the petitioner was unlawfully prevented from meeting the respondent and his minor children and that therefore the petitioner was constrained to file the above



Tr.C.M.P.(MD)No.67 of 2026

transfer petition seeking transfer of the divorce petition to Madurai.

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6. The learned counsel appearing for the petitioner would further contend that though the petitioner had made several attempts for referring the matter to mediation, the same was of no avail, that the respondent's family members were not allowing the petitioner to meet his wife and his children and that therefore, the matter may be referred to mediation.

7. As already pointed out, despite receipt of notice, the respondent has not turned up.

8. Merely because the respondent remained absent, that by itself, is not sufficient to order the transfer as sought for by the petitioner. It is pertinent to mention that admittedly, two female children are under the care and custody of the respondent and if the case is transferred to Madurai, it can easily be inferred that the respondent finds it difficult to travel to Madurai along with her minor children to attend the hearings. If the petitioner is really willing for mediation, he can very well approach the concerned Court for referring the matter to mediation. In the case that the



Tr.C.M.P.(MD)No.67 of 2026

WEB COPY

respondent's side is also willing, then there will be no bar for referring the matter to mediation. Though the petitioner has been alleging that he has always willing to join with the respondent, it is not his case that he has sent any notice for restitution of conjugal rights nor initiated any proceedings for restitution of conjugal rights.

9. In the the case of ***N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha*** reported in ***2022 Live Law (SC) 627***, wherein, the Hon'ble Supreme Court has reiterated the position with generally, it is the wife's convenience, which must be looked at while considering the transfer petition under Section 24 of the Code of Civil Procedure and the relevant passage is extracted hereunder :

“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their



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Tr.C.M.P.(MD)No.67 of 2026

livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.", the bench observed."

10. On considering the entire facts and circumstances of the case and taking note of the legal position and also the fact that the respondent is residing at Vellore along with her two female children, this Court is not inclined to transfer the case as sought for.

11. In the result, the Transfer Civil Miscellaneous Petition is dismissed. However, the learned Principal Subordinate Judge, Vellore, in the event of the respondent's side expressing willingness for mediation, shall refer the matter to mediation and thereafter proceed in accordance with law subject to the outcome of the mediation. Consequently, connected Miscellaneous Petitions are closed. No costs.

10.07.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



Tr.C.M.P.(MD)No.67 of 2026

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To

- 1.The Principal Subordinate Judge,
Vellore.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P.(MD)No.67 of 2026

K.MURALI SHANKAR,J.

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Pre-Delivery Order made in
Tr.C.M.P.(MD)No.67 of 2026
and
C.M.P.(MD)Nos.1338 and 1340 of 2026

Dated : 10.07.2026