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Tr.C.M.P(MD).No.478 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.478 of 2024
and
C.M.P(MD)No.11180 of 2024

Ponnuthai : Petitioner

Vs.

A.Paulraj : Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.291 of 2024 pending on the file of the Sub Court, Alandur and transfer the same to the Sub Court, Sankarankovil, Tenkasi District.

For Petitioner : Mr.V.Muthuvelan

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.291 of 2024 pending on the file of the Sub Court, Alandur and transfer the same to the Sub Court, Sankarankovil, Tenkasi District.



Tr.C.M.P(MD).No.478 of 2024

2. It is evident from the records that the marriage between the parties was solemnized on 10.02.2014. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.291 of 2024 seeking divorce and is pending on the file of the Principal Sub Court, Alandur, Kancheepuram District.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Sankarankovil Taluk, Tenkasi District and finds it very difficult to travel to Alandur to attend all the hearings.

4. Though the respondent has entered into appearance through his counsel, there was no representation for the past two hearings. Even today, there is no representation representation for the petitioner.

5. In the case of ***N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha*** reported in ***2022 Live Law (SC) 627***, 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



Tr.C.M.P(MD).No.478 of 2024

WEB COPY

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 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."

6. Considering the facts and circumstances of the case and also fact that the petitioner is residing at Sankarankovil Taluk, Tenkasi District, this Court decides that the case in H.M.O.P.No.291 of 2024, is ordered to be withdrawn from the file of the Sub Court, Alandur and transfer the same to the file of the Sub Court, Sankarankovil, Tenkasi District. Accordingly, the learned Subordinate Judge, Alandur, is hereby directed to transmit the entire records in H.M.O.P.No.291 of 2024 to the Sub Court, Sankarankovil, Tenkasi District within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Subordinate Judge, Sankarankovil, Tenkasi District, is directed to take up the petition on file and proceed in accordance with law.



Tr.C.M.P(MD).No.478 of 2024

WEB COPY

7. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

19.12.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

das

To

- 1.The Subordinate Judge, Alandur.
- 2.The Subordinate Judge, Sankarankovil,
Tenkasi District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.478 of 2024

K.MURALI SHANKAR, J.

DAS

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