



Tr.C.M.P.(MD)No.541 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.541 of 2024
and
C.M.P.(MD)No.12902 of 2024

P.Annalakshmi

... Petitioner

Vs.

Sivanantham

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case in H.M.O.P.No.272 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.A.Jayaramachandran

For Respondent : Mr.M.S.Jeyakarthik

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.272 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the Family Court, Madurai.



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2. Heard the learned counsel on either side.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 10.02.2019. It is also not in dispute that the respondent has filed a petition in H.M.O.P.No.272 of 2024 seeking divorce and the same is pending on the file of the Family Court, Sivagangai.

4. The learned counsel appearing for the petitioner would submit that the petitioner is now residing at Madurai and finds it very difficult to travel from Madurai to Sivagangai to appear for the hearings. He would further submit that the respondent is working as Police Constable and presently working in Paramakudi Taluk Police Station.

5. The learned counsel appearing for the respondent has filed counter affidavit raising serious objections to allow this petition.

6. 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



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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 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.”

7. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel on either side and also the fact that the petitioner is residing at Madurai, the case in H.M.O.P.No.272 of 2024 is ordered to be withdrawn from the file of the



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Family Court, Sivagangai and transfer to the file of the Family Court, Madurai. Accordingly, the learned Judge, Family Court, Sivagangai, is hereby directed to transmit the entire records in H.M.O.P.No.272 of 2024 to the file of the Family Court, Madurai, 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 Judge, Family Court, Madurai, is directed to take up the petition on file and proceed in accordance with law.

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

12.11.2024

NCC :yes/No
Index :yes/No
Internet :yes/No
das



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To

- 1.The Judge, Family Court,
Sivagangai.
2. The Judge, Family Court,
Madurai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Tr.C.M.P.(MD)No.541 of 2024
and
C.M.P.(MD)No.12902 of 2024

Dated : 12.11.2024