



WEB COPY



Tr.C.M.P(MD).No.610 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.610 of 2024
and
C.M.P(MD)No.14684 of 2024

Rajeswari : Petitioner

Vs.

V.Yuvaraj : Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.172 of 2023 on the file of the Sub Court, Mettur and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.N.Ananda Kumar

For Respondent : Mr.S.Veerapandi Selvaraj

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.172 of 2023 from the file of the Sub Court, Mettur and transfer the same to the file of the Family Court, Trichy.



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2. It is evident from the records that the marriage between the parties was solemnized on 09.09.2022. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.172 of 2023, seeking divorce and is pending on the file of the Sub Court, Mettur.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Trichy and is having 14 months old baby and finds it very difficult to travel to Mettur to attend the hearings.

4.The learned counsel for the respondent would submit that after filing of the divorce petition, the petitioner and her family members had threatened the respondent and hence, he was constrained to lodge the complaint and that therefore, the case may be transferred to any place in between Trichy and Salem.

5.The learned counsel for the petitioner would submit that the petitioner has to take 14 months old baby along with her to travel more than 200 kms and hence, it is very difficult to attend the hearings.



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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 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 taking note of the fact that the petitioner is residing at Trichy and is having 14 months old baby, this Court decides that the case in H.M.O.P.No.172 of 2023 is ordered to



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be withdrawn from the file of the Sub Court, Mettur and transfer to the file of the Family Court, Trichy. The learned Sub Judge, Sub Court, Mettur, is hereby directed to transmit the entire records in H.M.O.P.No.172 of 2023 to the file of the Family Court, Trichy, 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, Trichy, 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.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

DAS

To

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

Order made in
Tr.C.M.P (MD).No.610 of 2024
and
C.M.P(MD)No.14684 of 2024

10.12.2024