



Tr.C.M.P.(MD)No.641 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.641 of 2024
and
C.M.P.(MD)No.15379 of 2024

G.Deepika

... Petitioner

Vs.

A.Rajdeep @ Thulasithasan

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.160 of 2023 on the file of the Family Court, Tiruchirappalli and to transfer H.M.O.P.No.160 of 2023 Family Court, Karur.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Tiruchirappalli, in H.M.O.P.No.160 of



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2023 and transfer the same to the file of the Family Court, Karur.

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2. Despite receipt of notice, the respondent has not entered 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 28.10.2020 and due to wedlock, they have been blessed with a child. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.160 of 2023 seeking divorce and the same is pending on the file of the Family Court, Tiruchirappalli. It is also not in dispute that the petitioner has filed a complaint under the provisions of Domestic Violence Act in D.V.P.No.55 of 2023 and the same is pending on the file of the Additional Mahila Court, Karur.

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Karur and finds it difficult to travel from Karur to Tiruchirappalli to attend the hearings as she is having 2 years old



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child.

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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.”



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7. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Karur and also DVP is pending before the Additional Mahila Court, Karur, this Court is of the view that the case in H.M.O.P.No.160 of 2023 is ordered to be withdrawn from the file of the Family Court, Tiruchirappalli, and transfer the same to the file of the Family Court, Karur. Accordingly, the learned Judge of Family Court, Tiruchirappalli, is hereby directed to transmit the entire records in H.M.O.P.No.160 of 2023 to the file of the Family Court, Karur, 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 of Family Court, Karur, 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.

20.12.2024

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



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To

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



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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.641 of 2024
and
C.M.P.(MD)No.15379 of 2024

Dated : 20.12.2024