



Tr.C.M.P(MD).No.642 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.642 of 2024

and

C.M.P(MD)Nos.15384 and 15386 of 2024

Rajameena

: Petitioner

Vs.

Deepan

: 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.98 of 2024 on the file of the Sub Court, Virudhunagar and transfer the same to the file of the Family Court, Nagercoil, Kanniyakumari.

For Petitioner : Mr.Niranjan S.Kumar

For Respondent : Mr.G.Karuppasamy Pandian

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.98 of 2024 on the file of the Sub Court, Virudhunagar and transfer the same to the file of the Family Court, Nagercoil, Kanniyakumari.



Tr.C.M.P(MD).No.642 of 2024

WEB COPY

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.98 of 2024, seeking divorce and is pending on the file of the Sub Court, Virudhunagar.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Agasteeswaram Taluk, Kanniyakumari District and finds it very difficult to travel to Virudhunagar to attend the hearings.

4.The learned counsel for the respondent would submit that they are not having any objection to transfer the case and the case may be disposed of within a time frame as fixed by this Court and also the personal appearance of the respondent may be dispensed with.

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 :



Tr.C.M.P(MD).No.642 of 2024

WEB COPY

“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.”

6. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Kanniyakumari District, this Court decides that the case in H.M.O.P.No.98 of 2024 is ordered to be withdrawn from the file of the Sub Court, Virudhunagar and transfer the same to the file of the Family Court, Nagercoil, Kanniyakumari District. The learned Subordinate Judge, Virudhunagar, is hereby directed to transmit the entire records in H.M.O.P.No.98 of 2024 to the file of the Family Court, Nagercoil, Kanniyakumari 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 Judge,



Tr.C.M.P(MD).No.642 of 2024

Family Court, Nagercoil, Kanniyakumari District, is directed to take up the petition on file and proceed in accordance with law. Regarding the prayer for early disposal, since the case is pending from 2024, this Court is not inclined to give any directions. Regarding the prayer for personal appearance, the petitioner is at liberty to approach the learned Judge, Family Court, Nagercoil, Kanniyakumari.

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

12.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.The Sub Judge, Virudhunagar
- 2.The Judge, Family Court, Nagercoil,
Kanniyakumari.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.642 of 2024

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.642 of 2024
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