



Tr.C.M.P.(MD)No.646 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.646 of 2024
and
C.M.P.(MD)No.15513 of 2024

Varalakshmi @ Varsha

... Petitioner

Vs.

Sivaraman

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw and transfer the case in H.M.O.P.No.124 of 2024 on the file of the learned Subordinate Court, Udumalaipettai, Tiruppur District to the Subordinate Court, Thirumangalam.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.R.Ramanujam
for M/s.Gandhi Associates

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Subordinate Court, Udumalaipettai, Tiruppur



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District, in H.M.O.P.No.124 of 2024 and transfer the same to the file of the Subordinate Court, Thirumangalam.

2. Heard the learned counsel on either side.

3. It is evident from the records that the marriage between the petitioner and the respondent was solemnized on 23.02.2023. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.124 of 2024 seeking divorce and the same is pending on the file of the Subordinate Court, Udumalaipettai.

4. The learned counsel appearing for the petitioner would submit that the petitioner is now residing at Thirumangalam and finds it difficult to travel from Thirumangalam to Udumalaipettai to attend the hearings.

5. The learned counsel appearing for the respondent would submit that the case may be transferred to any place in between Udumalaipettai and Thirumangalam.



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6. The learned counsel appearing for the petitioner would submit that the petitioner is having no means and she cannot bear expenses.

7. 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



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To

1. The Subordinate Judge,
Udumalaipetti, Tiruppur District.
2. The Subordinate Judge,
Thirumangalam.
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.646 of 2024
and
C.M.P.(MD)No.15513 of 2024

Dated : 13.12.2024