



Tr.C.M.P.(MD)No.762 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.762 of 2024
and
C.M.P.(MD)No.18382 of 2024

R.Gokela

... Petitioner

Vs.

G.R.Prashanth

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.112 of 2022 on the file of the Sub Court, Alandur and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.M.Subash Babu, Senior Counsel
for M/s.Subash Law Office



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Subordinate Court, Alandur, in H.M.O.P.No.112 of 2022 and transfer the same to the file of the Family Court, Madurai.

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 03.06.2020. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.112 of 2022 seeking divorce and the same is pending on the file of the Subordinate Court, Alandur.

4. The learned counsel appearing for the petitioner would submit that the petitioner was working in Chennai earlier and now she has been transferred and is working as cashier in Bank of Baroda, Ponmeni Branch, Madurai District and she is having 2 year old female child and finds it difficult to travel from Madurai to Chennai to attend the hearings.



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5. The learned Senior Counsel appearing for the respondent would submit that they are not having any objection to transfer the case but the learned trial Judge may be directed to dispose of the case within the time stipulated by this Court.

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



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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 above facts and circumstances and also taking note of the submissions made on either side, this Court is of the view that the case in H.M.O.P.No.112 of 2022 is ordered to be withdrawn from the file of the Subordinate Court, Alandur, and transfer the same to the file of the Family Court, Madurai. Accordingly, the learned Subordinate Judge, Alandur, is hereby directed to transmit the entire records in H.M.O.P.No. 112 of 2022 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 of Family Court, Madurai, is directed to take up the petition on file and proceed in accordance with law and complete the trial and dispose of the same within a period of four months from the date of receipt of the case bundle.

8. With the above direction, the Transfer Civil Miscellaneous



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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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To

1. The Subordinate Judge,
Alandur.
2. The Judge of Family Court,
Madurai.
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.762 of 2024
and
C.M.P.(MD)No.18382 of 2024

Dated : 20.12.2024