



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.148 of 2025

and

C.M.P.(MD)No.3643 of 2025

P.Aruna Devi

.. Petitioner

Vs.

1. R.Vigneswaran

2. Prabhu

.. Respondents

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.257 of 2024 on the file of the 3rd Additional Sub-Court, Madurai and transfer the same to the file of the Sub-Court, Kovilpatti.

For Petitioner : Mr.H.Arumugam

For R1 : Mr.J.Peer Mohammed

For R2 : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case bearing H.M.O.P.No.257 of 2024 on the file of the 3rd Additional Sub-Court, Madurai and transfer the same to the file of the Sub-Court, Kovilpatti.



WEB COPY

2. The petitioner is the wife and the 1st respondent is the husband. The marriage between the petitioner and the 1st respondent was solemnized on 01.12.2019 at Arulmigu Thenpalani Balamurugan Thirukovil Chelliah-Lakshmi Thirumana Mandapam, Madurai, as per the Hindu Rites and Customs. During their wedlock, a female child was born on 20.10.2020.

3. Due to some matrimonial discord, the parties have separated. Therefore, the 1st respondent/husband initiated a proceeding in H.M.O.P.No. 257 of 2024, on the file of the 3rd Additional Sub-Court, Madurai, seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits that his client has one female child and she along with her child are residing at her hometown Kovilpatti and they are taken care of by her parents. The distance between her hometown to Madurai is around 205 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.257 of 2024 from file of the 3rd Additional Sub-Court, Madurai to the file of the Sub Court, Kovilpatti.

5. The learned counsel for the 1st respondent requested this Court to fix a central place convenient for both the parties.



WEB COPY

6. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent and perused the materials available on records.

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 dealt with the position generally, that it is the wife's convenience, which must be looked into 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.”

8. It is also well settled proposition of law that whenever a transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall be given preference.



WEB COPY

9. Considering the overall facts and circumstances of the case and considering the convenience of the wife, this Court is inclined to allow the petition.

10. The learned 3rd Additional Subordinate Judge, Madurai is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No. 257 of 2024, to the file of the learned Subordinate Judge, Kovilpatti within a period of four weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Subordinate Judge, Kovilpatti is directed to take the case on file and dispose of the case as expeditiously as possible in accordance with law.

11. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

05.06.2025

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No
rgm



WEB COPY

To

- 1.The 3rd Additional Sub Court, Madurai.
- 2.The Sub Court, Kovilpatti.



WEB COPY



K.K. RAMAKRISHNAN, J.
rgm

Tr.CMP.(MD)No.148 of 2025
and
C.M.P.(MD)No.3643 of 2025

05.06.2025