



Tr.CMP.(MD)No.104 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.104 of 2025

and

C.M.P.(MD)No.2531 of 2025

Nithyakalyani

.. Petitioner

Vs.

M.Karthick

.. Respondent

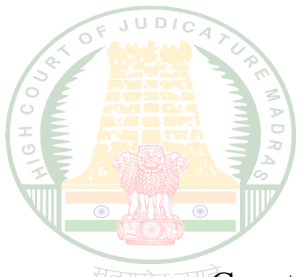
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the divorce petition in H.M.O.P.No.523 of 2024 on the file of the Family Court, Tiruppur and to transfer the same to the Sub Court, Tenkasi.

For Petitioner : Mr.A.Sankararamasubramanian

For Respondent : Mr.S.Manickam

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the divorce petition in H.M.O.P.No.523 of 2024 on the file of the Family Court, Tiruppur and to transfer the same to the Sub



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Court, Tenkasi.

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2. The petitioner is the wife and the respondent is the husband.

The marriage between the petitioner and the respondent was solemnized on 05.06.2017 as per the Hindu Rites and customs at Arulmigu Sri Sivasailanathar Paramakalyani Ambal Temple, Sivasailam, Tenkasi District.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband filed H.M.O.P.No.523 of 2024, on the file of the Family Court, Tiruppur, seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits that his client is living in Alawrkurichi Village, Tenkasi Taluk and District and she was taken care of by her parents. The distance between the petitioner's residence to Tiruppur, is around 356 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 proceedings in H.M.O.P.No.523 of 2024 from the file of the Family Court, Tiruppur, to the file of the Sub Court, Tenkasi.



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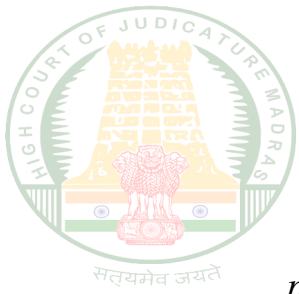
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5. The respondent entered appearance through his counsel and the learned counsel for the respondent vehemently opposed to allow this petition.

6. Heard the learned counsel appearing for the learned counsel for the petitioner and the learned counsel for the 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



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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.

9. Considering the overall facts and circumstances of the case and also taking into account of the inconvenience expressed by the petitioner in attending every court hearing, by travelling seven hours journey to reach the Family Court, Tiruppur, situated 356 kms away from her Domicile, namely, Alwarkurichi Village, Tenkasi District, incurring huge expense, this court inclines to allow the petition.



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10. The learned District Judge, Family Court, Tiruppur, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.523 of 2024, to the file of the learned Subordinate Judge, Tenkasi, 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, Tenkasi, is directed to take the case on file, try the same and dispose of the cases 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.

31.07.2025

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

- 1.The District Judge, Family Court, Tiruppur.
- 2.The Subordinate Judge, Tenkasi.



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K.K. RAMAKRISHNAN, J.

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