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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)Nos.141 & 235 of 2025

and

C.M.P.(MD)Nos.3414 & 6100 of 2025

T.Parvathavarthini @ Gomathi

.. Petitioner in both petitions

Vs.

R.Muniswaran

.. Respondent in both petitions

Prayer : Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.Nos.4 of 2025 and 178 of 2024 on the file of Family Court, Srivilliputhur and transfer the same to the Family Court, Tiruchirappalli to conduct enquiry.

For Petitioner : Ms.T.Banumathy

For Respondent : Mr.R.Karunanidhi



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ORDER

The present Transfer Civil Miscellaneous Petitions have been filed to withdraw the H.M.O.P.Nos.4 of 2025 and 178 of 2024 on the file of Family Court, Srivilliputhur and transfer the same to the Family Court, Tiruchirappalli to conduct enquiry.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.02.2022 at P.K.Vijaya Mahal, Coonoor Road, Virudhunagar District, as per the Hindu Rites and Customs. During their wedlock, one male child, was born on 14.08.2023.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated a proceeding in H.M.O.P.No. 178 of 2024, on the file of the Family Court, Srivilliputhur, seeking for divorce on the ground of cruelty. Thereafter, petitioner/wife filed a petition seeking Restitution of Conjugal Rights in H.M.O.P.No.4 of 2025 before the same Court.



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4. The learned counsel appearing for the petitioner/wife submits that though the petitioner/wife herself filed the petition seeking Restitution of Conjugal Rights before the Family Court, Srivilliputhur, now she is living in Melakalkandarkottai, Tiruchirappalli District, with her minor child and she was taken care of by her parents. The distance between the petitioner's village to Srivilliputhur is around 280 Kms, and being a lady with a minor child, 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.Nos.178 of 2024 and 4 of 2025 from the file of the Family Court, Virudhunagar District at Srivilliputhur, to the file of the Family Court, Tiruchirappalli District.

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

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.



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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.”

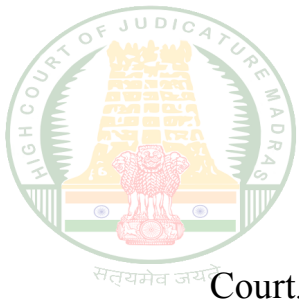


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8. It is also well settled proposition of law that whenever a transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall be given preference.

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 with her child by travelling an 8 hour journey to reach the Family Court at Srivilliputhur situated 280 km away from her Domicile, namely, Melakalkandarkottai village, incurring huge expense, this court inclines to allow the petitions.

10. The learned District Judge, Family Court, Virudhunagar District at Srivilliputtur, is hereby directed to transfer the entire records pertaining to the cases, in H.M.O.P.Nos.178 of 2024 and 4 of 2025, to the file of the learned District Judge, Family Court, Tiruchirappalli District, 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 District Judge, Family



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Court, Tiruchirappalli District, is directed to take both the cases on file and dispose of the case as expeditiously as possible in accordance with law.

11. Accordingly, these Transfer Civil Miscellaneous Petitions stand allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

09.06.2025

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

- 1.The District Judge, Family Court, Virudhunagar at Srivilliputtur.
- 2.The District Judge, Family Court, Tiruchirappalli.



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K.K. RAMAKRISHNAN, J.

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