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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.169 of 2025

and

C.M.P.(MD)No.4210 of 2025

R.T.Suvitha

.. Petitioner

Vs.

S.U.Sujith Kumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the G.W.O.P.No.96 of 2024 on the file of the Family Court, Kanyakumari Division Nagercoil (Camp) Padmanabhapuram and transfer the same to Family Court, Nagercoil.

For Petitioner : Mr.M.Ramu

For Respondent : Mr.C.Suresh Kannan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the G.W.O.P.No.96 of 2024 on the file of the Family Court, Kanyakumari Division Nagercoil (Camp) Padmanabhapuram and transfer the same to Family Court, Nagercoil.



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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 26.06.2017, as per the Hindu Rites and Customs. During their wedlock, a male child was born on 03.04.2018.

3. Due to some matrimonial discord, the parties have agreed for mutual divorce and entered into a Joint Compromise in CrI.O.P.(MD)No. 7800 of 2021. As per the Joint Compromise Memo, they were divorced in H.M.O.P.No.142 of 2022 on the file of the Family Court, Nagercoil. While so, the respondent/husband filed a guardianship petition in G.W.O.P.No.96 of 2024 on the file of the Family Court, Kanyakumari Division Nagercoil (Camp) Padmanabhapuram.

4. The learned counsel appearing for the petitioner/wife submits that his client has one male child and she along with her child are residing at Nagercoil. He further submits that since the petitioner is suffering from several health ailments and insufficient money, she seeks transfer of proceeding in G.W.O.P.No.96 of 2024 from file of the Family Court Kanyakumari Division Nagercoil (Camp) Padmanabhapuram to the file of the Family Court, Nagercoil.

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



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6. Heard 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 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 considering the convenience of the wife, this Court is inclined to allow the petition.

10. The Family Court, Kanyakumari Division Nagercoil (Camp) Padmanabhapuram, is hereby directed to transfer the entire records pertaining to the case, in G.W.O.P.No.96 of 2024, to the file of the Family Court, Nagercoil within a period of four weeks from the date of receipt of a copy of this order, and on receipt of such records, the Family Court, Nagercoil 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
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To

1.The Family Court, Kanyakumari Division Nagercoil (Camp)
Padmanabhapuram

2. The Family Court, Nagercoil



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K.K. RAMAKRISHNAN, J.

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