



Tr.CMP.(MD)No.165 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 05.08.2025**

**CORAM**

**THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**Tr.CMP.(MD)No.165 of 2025**

**and**

**C.M.P.(MD)No.4170 of 2025**

Krithika

.. Petitioner

Vs.

Sudalai

.. Respondent

**Prayer** : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.105 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Devakottai.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.S.Balasubramanian



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### **ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.105 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Devakottai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized initially in the month of September 2016 as per their wish at Thiruparankundram. Thereafter, at the instance of parents and elders on 12.05.2017 at Vairavizha Mandapam, Puttuthoppu, Madurai, as per the Hindu Rites and Customs.

3. Due to some matrimonial discord, the parties have separated. Therefore, the petitioner/wife has filed the H.M.O.P.No.177 of 2024 on the file of the Sub Court, Devakottai, seeking divorce and the respondent/husband filed H.M.O.P.No.105 of 2024, on the file of the Family Court, Madurai, seeking restitution of conjugal rights. The petitioner



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also initiated proceedings under Domestic Violence Act in D.V.C.No.26 of 2024 on the file of the Judicial Magistrate, Karaikudi. All the above said proceedings are pending.

4. The learned counsel appearing for the petitioner/wife submits that his client is living in Karaikudi, Sivagangai District and she was taken care of by her parents. The distance between the petitioner's residence to Madurai, is around 100 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. She has also filed the petition in H.M.O.P.No.177 of 2024 before the Subordinate Judge, Devakottai. Hence, she seeks transfer of proceeding in H.M.O.P.No.105 of 2024 from the file of the Family Court, Madurai, to the file of the Subordinate Court, Devakottai.

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

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



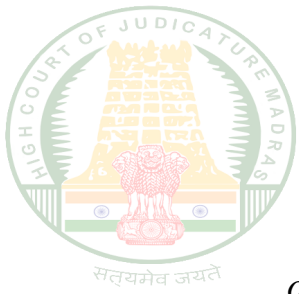
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the petitioner as well as the learned counsel for the respondent and perused the materials available on records.

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*



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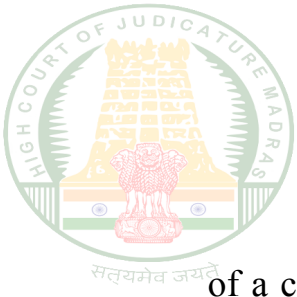
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*observed.”*

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 two hours journey to reach the Family Court, Madurai, situated 100 kms away from her Domicile, namely, Karaikudi, Sivagangai District, incurring huge expense, this court inclines to allow the petition.

10. The learned District Judge, Family Court, Madurai, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No. 105 of 2024, to the file of the learned Subordinate Judge, Devakottai, Sivagangai District, within a period of **four** weeks from the date of receipt



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of a copy of this order, and on receipt of such records, the learned learned Subordinate Judge, Devakottai, Sivagangai District, is directed to take the case on file, try the same along with H.M.O.P.No.177 of 2024 filed by the petitioner/wife 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.

**05.08.2025**

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

- 1.The District Judge, Family Court, Madurai.
- 2.The Subordinate Judge, Devakottai, Sivagangai District.



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**K.K. RAMAKRISHNAN, J.**

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