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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.191 of 2025

and

C.M.P.(MD)No.4890 of 2025

Mariya Manisha

.. Petitioner

Vs.

Prabakaran

..

Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the Petition in H.M.O.P.No. 32 of 2025 pending on the file of the Principal Sub Court, Chengalpattu and transfer the same to the file of the Sub Court, Dindigul.

For Petitioner : Mr.A.Arul Jenifer

For Respondent : Mr.N.S.Karthikeyan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the Petition in H.M.O.P.No.32 of 2025 pending on the file of the Principal Sub Court, Chengalpattu and transfer the same to the file of the Sub Court, Dindigul.



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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 28.02.2020 as per the Hindu Rites and Customs at Ranga Mahal Sanarpatty, Dindigul District. Out of the above-said wedlock, they have been blessed with a female child on 08.12.2022. But, she died at the age of two due to the Heart ailment.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in H.M.O.P.No.32 of 2025, on the file of the Principal Subordinate Court, Chengalpattu seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits that his client is living in Dindigul and she was taken care of by her parents. The distance between the petitioner's residence to Tirunelveli, is around 400 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.32 of 2025 from the file of the Principal Subordinate Court, Chengalpattu, to the file of the



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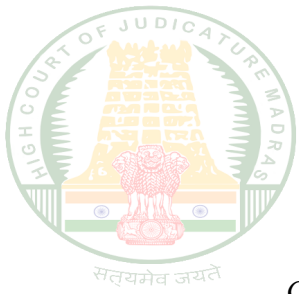
Subordinate Court, Dindigul.

5. The learned counsel for the respondent entered appearance and submitted that he has no objection to transfer the case. But, he seeks direction to complete the trial process in both the cases within a prescribed time.

6. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing 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



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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.

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 six hours journey to reach the Principal Subordinate Court, Chengalpattu, situated 400 kms away from her Domicile, namely, Dindigul, incurring huge expense, this court inclines to allow the petition.



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10. The learned Principal Subordinate Judge, Chengalpattu, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.32 of 2025, to the file of the learned Subordinate Judge, Dindigul, 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 learned Subordinate Judge, Dindigul, is directed to take the case on file 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.

08.08.2025

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

To

- 1.The Principal Subordinate Judge, Chengalpattu.
- 2.The Subordinate Judge, Dindigul.



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K.K. RAMAKRISHNAN, J.

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