



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.187 of 2025

and

C.M.P.(MD)No.4821 of 2025

Ambika

.. Petitioner

Vs.

Mayakannan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P.No.13 of 2025 on the file of Sub Court, Ramanathapuram and transfer the same to the learned Family Court, Madurai.

For Petitioner : Ms.M.Sivananthini

For Respondent : No Appearance



WEB COPY

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceedings in H.M.O.P.No.13 of 2025 on the file of Sub Court, Ramanathapuram and transfer the same to the learned Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.02.2019 as per the Hindu Rites and Customs at Meenakshi Mahal, Alagarkoil, Madurai. Due to the above said wedlock they are blessed with two female children born on 02.12.2019 and 22.07.2022 respectively.

3. Due to some matrimonial discord, the parties have separated. Due to which the petitioner/wife lodged a criminal complaint upon the respondent/husband before the Commissioner of Police, Madurai. Therefore, as a counter blast, the respondent/husband initiated the proceeding in H.M.O.P.No.13 of 2025, on the file of the Subordinate Court, Ramanathapuram, seeking restitution of conjugal rights.



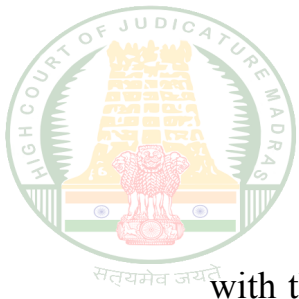
WEB COPY

4. The learned counsel appearing for the petitioner/wife submits that his client is living in Villapuram, Madurai District, along with her two minor children and she was taken care of by her parents. The distance between the petitioner's residence to Ramanathapuram, is around 117 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.13 of 2025 from the file of the Sub Court, Ramanathapuram, to the file of the Family Court, Madurai.

5. Even though notice was served upon the respondent, he did not chose to appear before this Court either in person or through Counsel.

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



WEB COPY

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.”

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.



WEB COPY

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 three hours journey to reach the Sub Court, Ramanathapuram, situated 117 kms away from her Domicile, namely, Villapuram, Madurai District, incurring huge expense, this court inclines to allow the petition.

10. The learned Subordinate Judge, Ramanathapuram, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No. 13 of 2025, to the file of the learned District Judge, Family Court, Madurai, 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 Court, Madurai, 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.

WEB COPY

16.06.2025

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

To

1. The Subordinate Judge, Ramanathapuram.
2. The District Judge, Family Court, Madurai.



WEB COPY



K.K. RAMAKRISHNAN, J.

TM

Tr.CMP.(MD)No.187 of 2025
and
C.M.P.(MD)No.4821 of 2025

16.06.2025