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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.220 of 2025

and

C.M.P.(MD)No.5572 of 2025

Athistalakshmi

.. Petitioner

Vs.

Muthu @ Janakiraman

.. Respondent

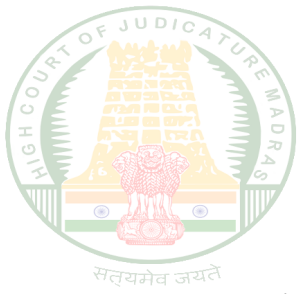
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the above H.M.O.P.No.15 of 2025 on the file of the learned Family Court, Theni to the Family Court at Dindigul.

For Petitioner : Mr.P.Mahendran

For Respondent : Mr.V.B.Sundhareshwar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case bearing HMOP.No.15 of 2025 on the file of the learned Family Court, Theni to the Family 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 01.06.2023 at Arulmighu Aram Valartha Naayagi Udanurai Kanneswaramuraiyaar Thriukkivil at Veerapandi Village, Theni District. After such marriage, other connected ceremonies were also solemnized at Sri Murugan Thiru Mandapam at Veerapandi, Theni District as per the Hindu Rites and Customs. The petitioner conceived during December 2023 but unfortunately, due to improper growth of the child, a miscarriage occurred.

3. The learned counsel appearing for the petitioner/wife submits that the petitioner was physically and mentally abused by the respondent and his family members demanding additional dowry. Hence, the petitioner lodged a complaint before the All Women Police Station, Theni during April 2024. After detailed enquiry, the police advised both parties to live together and they lived together for some time. Thereafter, the respondent/husband initiated a proceeding in H.M.O.P.No.15 of 2025, on the file of the Family Court, Theni, seeking divorce.

4. The learned counsel appearing for the petitioner/wife further submits that the petitioner is now staying with her parents at Seelapadi, Dindigul District. The distance between the petitioner's hometown to Theni is around 100 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.15 of 2023 from the file of the learned Family Court, Theni to the file of the Family Court, Dindigul.



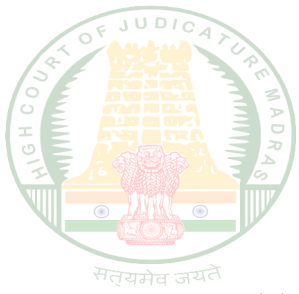
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5. The learned counsel for the respondent requested this Court to fix a central place convenient for both the parties.

6. Heard the learned counsel 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 learned Judge, Family Court, Theni, is hereby directed to transfer the entire records pertaining to the case in H.M.O.P.No.15 of 2025 to the file of the learned Judge, Family Court, 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 Judge, Family Court, Dindigul 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, Theni

2. The Family Court, Dindigul



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K.K. RAMAKRISHNAN, J.

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