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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.231 of 2025

and

C.M.P.(MD)No.5893 of 2025

M.Gowsalya

.. Petitioner

Vs.

K.Daniel Gideon Raj

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw the case on the file of the Family Court, Nagercoil, in I.D.O.P.No.43 of 2025 and transfer the same to the Family Court at Srivilliputtur, Virudhunagar District.

For Petitioner : Mr.P.Pratheesh

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case on the file of the Family Court, Nagercoil, in I.D.O.P.No.43 of 2025 and transfer the same to the Family Court at Srivilliputtur, Virudhunagar District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.07.2024 at RR Mahal, Thiruthangal, Virudhunagar District, as per the Christian Rites and Customs.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated a proceeding in I.D.O.P.No.43 of 2025, on the file of the Family Court, Nagercoil, seeking for Restitution of Conjugal Rights.

4. The learned counsel appearing for the petitioner/wife submits



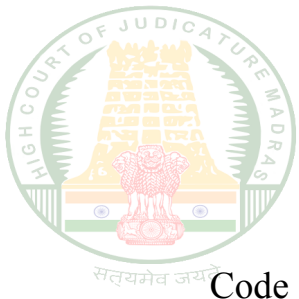
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that his client is living in Thiruthangal, Virudhunagar District and she was taken care of by her parents. The distance between the petitioner's village to Nagercoil is around 250 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in I.D.O.P.No.43 of 2025 from the file of the Family Court, Nagercoil, to the file of the Family Court, Virudhunagar District at Srivilliputtur.

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 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



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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.

9. Considering the overall facts and circumstances of the case,



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

10. The learned District Judge, Family Court, Nagercoil, Kanniyakumari District, is hereby directed to transfer the entire records pertaining to the case, in I.D.O.P.No.43 of 2025, to the file of the learned District Judge, Family Court, Virudhunagar District at Srivilliputtur, 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, Virudhunagar District at Srivilliputtur 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.

09.06.2025

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

- 1.The District Judge, Family Court, Nagercoil, Kanniyakumari District.
- 2.The District Judge, Family Court, Virudhunagar at Srivilliputtur.



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K.K. RAMAKRISHNAN, J.

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