

Tr.CMP.(MD)No.261 of 2025

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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.261 of 2025

and

C.M.P.(MD)No.6984 of 2025

R.Padmapriya

.. Petitioner

Vs.

Mohan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in G.W.O.P.No.779 of 2024 from Family Court, Karur, Karur District and transfer the same to the Family Court, Tiruppur, Tiruppur District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : No Appearance



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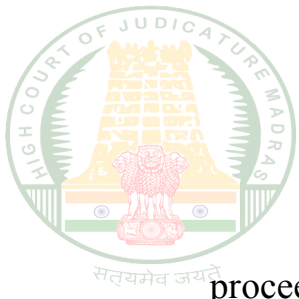
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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in G.W.O.P.No.779 of 2024 from Family Court, Karur, Karur District and transfer the same to the Family Court, Tiruppur, Tiruppur District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.02.2018 as per the Hindu Rites and Customs at Sekundar Marriage Hall Tiruppur, Tiruppur District. Due to the above said wedlock they are blessed with a female child born on 19.01.2019.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated a proceeding in H.M.O.P.No. 132 of 2023 on the file of the Family Court, Karur, seeking divorce. Thereafter, the petitioner/wife has filed H.M.O.P.No.562 of 2023 on the file of the Family Court, Tiruppur, seeking restitution of conjugal rights. Considering the inconvenience caused to the wife, the above said



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proceedings initiated by the respondent/husband was transferred from the file of the Family Court, Karur, to the file of the Family Court, Tiruppur, by the order of this Court in Tr.C.M.P.(MD).No.561 of 2023, dated 07.03.2024 and renumbered as H.M.O.P.No.304 of 2024. Now both cases are pending on the file of the Family Court, Tiruppur. In the meantime, the respondent/husband filed a petition in G.W.O.P.No.779 of 2024 on the file of the Family Court, Karur, to appoint him as a Guardian to their child.

4. The learned counsel appearing for the petitioner/wife submits that his client is living along with her minor child in Pichampalayam, Tiruppur Taluk, Tiruppur District and she was taken care of by her parents. The distance between the petitioner's residence to Karur, is around 95 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Already two H.M.O.P. proceedings were pending before the Family Court, Tiruppur. Hence, she seeks transfer of proceeding in G.W.O.P.No.779 of 2024 from the file of the Family Court, Karur to the file of the Family Court, Tiruppur.



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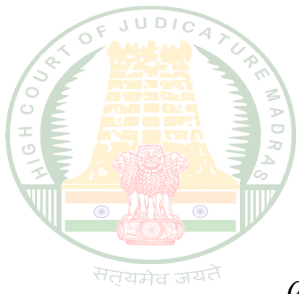
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5. Even though notice was served upon the respondent, he did not chose to appear before this Court either in person or through Counsel.

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 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



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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 three hours journey to reach the Family Court, Karur, situated 95 kms away from her Domicile, namely, Pichampalayam, Tiruppur Taluk, Tiruppur District, incurring huge expense and also already two HMOPs are pending before the learned District Judge, Family Court, Tiruppur, this court inclines to allow the petition.



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10. The learned District Judge, Family Court, Karur, is hereby directed to transfer the entire records pertaining to the case, in G.W.O.P.No. 779 of 2024, to the file of the learned District Judge, Family Court, Tiruppur, 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, Tiruppur, is directed to take the case on file, try the same along with H.M.O.P.Nos.562 of 2023 and 304 of 2024 already pending on his 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.

16.06.2025

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

- 1.The District Judge, Family Court, Karur.
- 2.The District Judge, Family Court, Tiruppur.



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K.K. RAMAKRISHNAN, J.

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