



Tr.CMP.(MD)No.267 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.267 of 2025

and

C.M.P.(MD)No.7061 of 2025

S.Maheswari

.. Petitioner

Vs.

T.Thangaraja

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.246 of 2019 on the file of the Sub Court, Kovilpatti, to be heard and tried at Sub Court, Sivakasi and dispose the same on merits and in accordance with law.

For Petitioner : Mr.E.Mareeskumar

For Respondent : No Appearance
Court Notice - Unclaimed



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case on the file of the learned Subordinate Judge, Kovilpatti, in H.M.O.P.No.246 of 2019 and transfer the same to the file of learned Subordinate Judge, Sivakasi.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.04.2016 as per the Hindu Rites and Customs at Balaji Thirumanamahal, Virudhunagar Road, Thiruthungal, Sivakasi, Virudhunagar District. Due to the above said wedlock, they have blessed with a female baby on 12.03.2017.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in H.M.O.P.No. 246 of 2019, on the file of the Subordinate Court, Kovilpatti, seeking divorce. The same was decreed exparte. Thereafter, the petitioner filed a



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petition to restore the same. It was allowed and now pending on the file of Subordinate Court, Kovilpatti. In the meantime, she filed M.C.No.20 of 2020 on the file of the Judicial Magistrate No.II, Sivakasi, seeking maintenance to herself and her minor child. It was also ordered to pay a sum of Rs.8,000/- every month.

4. The learned counsel appearing for the petitioner/wife submits that his client is living along with her minor child in Thiruthangal, Sivakasi Taluk, Virudhunagar District and she was taken care of by her parents. The distance between the petitioner's residence to Kovilpatti, is around 42 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.246 of 2019 from the file of the Subordinate Court, Kovilpatti, to the file of the Subordinate Court, Sivakasi.

5. Even though notice was sent to the respondent, it was returned as 'unclaimed'. Hence, it was deemed to be served and his name was also printed in the cause list.



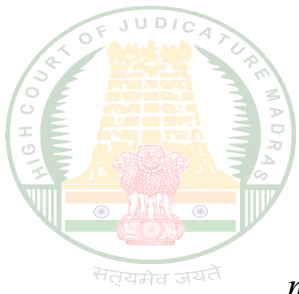
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6. Heard the learned counsel appearing for the learned counsel for the petitioner and perused the materials available on records.

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 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



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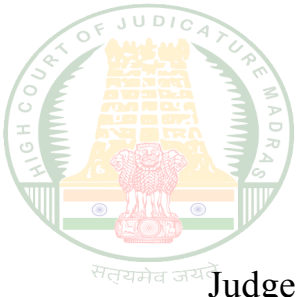
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must be looked at while considering transfer.", the bench observed."

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 one hour journey to reach the Subordinate Court, Kovilpatti, Thoothukudi District, situated 42 kms away from her Domicile, namely, Thiruthangal, Sivakasi Taluk, Virudhunagar District, incurring huge expense, this court inclines to allow the petition.

10. The learned Subordinate Judge, Kovilpatti, Thoothukudi District, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.246 of 2019, to the file of the learned Subordinate



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Judge, Sivakasi, Virudhunagar District, 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 Subordinate Judge, Sivakasi, Virudhunagar District, 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.

07.07.2025

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

- 1.The Subordinate Judge, Kovilpatti, Thoothukudi District.
- 2.The Subordinate Judge, Sivakasi, Virudhunagar District.



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K.K. RAMAKRISHNAN, J.

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