



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.256 of 2025

and

C.M.P.(MD)No.6700 of 2025

K.Ramalakshmi @ Nandhini

.. Petitioner

Vs.

N.Rengaraja @ Tenzing

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 and Section 151 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.115 of 2023 on the file of the learned Principal Sub Court, Dindigul and transfer the same to the file of the Family Court, Theni, Theni District for disposal on merits in accordance with law.

For Petitioner : Mr.T.Wins

For Respondent : No Appearance



WEB COPY

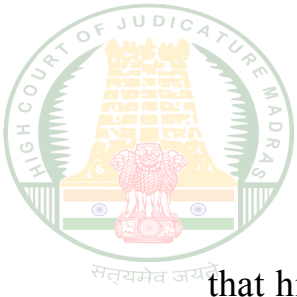
ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the suit in H.M.O.P.No.115 of 2023 on the file of the learned Principal Sub Court, Dindigul and transfer the same to the file of the Family Court, Theni, Theni District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 28.05.2021 at Kodairoad Krishna Mahal, Dindigul, as per the Hindu Rites and Customs, which was registered on 01.06.2022 at the Registrar's Office in Thoothukudi.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated a proceeding in H.M.O.P.No. 115 of 2023, on the file of the Principal Sub Court, Dindigul, Dindigul District, for dissolution of the marriage.

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



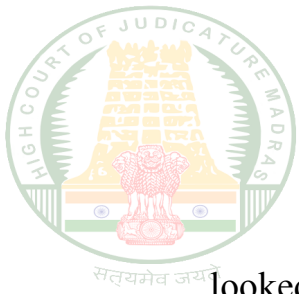
WEB COPY

that his client is living in Aundipatti, Theni District and she was taken care of by her parents. The distance between the petitioner's residence to Dindigul, is around 85 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. She has also filed DVC case before the learned Judicial Magistrate, Aundipatti. Hence, she seeks transfer of proceeding in H.M.O.P.No.115 of 2023 from the file of the Principal Sub Court, Dindigul, Dindigul District, to the file of the Family Court, Theni, Theni District.

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



WEB COPY

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 2 hours journey to reach the Principal Sub Court, Dindigul, Dindigul District, situated 85 kms away from her Domicile, namely, Aundipatti, Theni District, incurring huge expense, this court inclines to allow the petition.

10. The learned Principal Subordinate Judge, Dindigul, Dindigul District, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.115 of 2023, to the file of the learned District Judge, Family Court, Theni, Theni District 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 District Judge, Family Court, Theni, Theni District 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.

WEB COPY

12.06.2025

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

To

- 1.The Principal Subordinate Judge, Dindigul, Dindigul District.
- 2.The District Judge, Family Court, Theni, Theni District.



WEB COPY



K.K. RAMAKRISHNAN, J.

TM

Tr.CMP.(MD)No.256 of 2025
and
C.M.P.(MD)No.6700 of 2025

12.06.2025