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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.263 of 2025

and

C.M.P.(MD)No.6991 of 2025

Aziza Suganthi

.. Petitioner

Vs.

Dunston

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in D.O.P.No.27 of 2025 on the file of the Principal District Court, Tirunelveli, Tirunelveli District and transfer the same to the Additional Family Court, Coimbatore, Coimbatore District.

For Petitioner : Mr.KA.Ramakrishnan

For Respondent : Mr.S.Palani Velayutham



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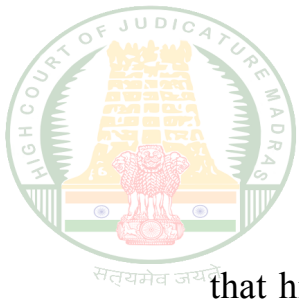
ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the petition in D.O.P.No.27 of 2025 on the file of the Principal District Court, Tirunelveli, Tirunelveli District and transfer the same to the Additional Family Court, Coimbatore, Coimbatore District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.02.2022 as per the Christian Rites and Customs.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in D.O.P.No.27 of 2025, on the file of the Principal District Court, Tirunelveli, seeking divorce. After that the petitioner/wife initiated a proceeding in I.D.O.P.No. 616 of 2025 for restitution of conjugal rights, on the file of the Additional Family Court, Coimbatore.

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



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that his client is living in Jeeva Nagar, Vinakuruchi Road, Coimbatore and she was taken care of by her parents. The distance between the petitioner's residence to Tirunelveli, is around 360 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. She has also filed I.D.O.P.No.616 of 2025 on the file of the Additional Family Court, Coimbatore. Hence, she seeks transfer of proceeding in D.O.P.No.27 of 2025 from the file of the Principal District Court, Tirunelveli, to the file of the Additional Family Court, Coimbatore.

5. The learned counsel for the respondent entered appearance and submitted that he has no objection to transfer the case. But, he seeks direction to complete the trial process in both the cases within a prescribed time.

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



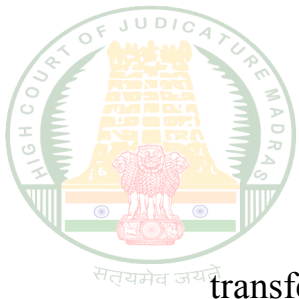
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7. In the case of ***N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha***

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.”

8. It is also well settled proposition of law that whenever a



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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 Principal District Court, Tirunelveli, situated 360 kms away from her Domicile, namely, Jeeva Nagar, Vinakuruchi Road, Coimbatore, incurring huge expense, this court inclines to allow the petition.

10. The learned Principal District Judge, Tirunelveli, is hereby directed to transfer the entire records pertaining to the case, in D.O.P.No.27 of 2025, to the file of the learned District Judge, Additional Family Court, Coimbatore, 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 learned District Judge, Additional Family Court, Coimbatore, is directed to take the case on file, try the same along with D.O.P.No.27 of 2025 already pending



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on his file, filed by the wife 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.

13.06.2025

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

- 1.The Principal District Judge, Tirunelveli.
- 2.The District Judge, Additional Family Court, Coimbatore.



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K.K. RAMAKRISHNAN, J.

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