

Tr.CMP.(MD)No.258 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.258 of 2025

and

C.M.P.(MD)No.6814 of 2025

Unaija Fathima

.. Petitioner

Vs.

Abdul Gaffoor

.. Respondent

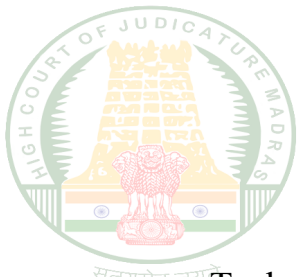
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the O.S.No.78 of 2025 on the file of the Family Court, Chennai and to transfer the same to the Principal District Munsif, Tenkasi.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the O.S.No.78 of 2025 on the file of the Family Court, Chennai and to transfer the same to the Principal District Munsif,



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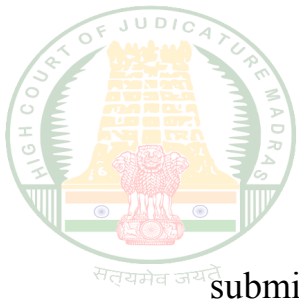
Tenkasi.
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2. The petitioner is the wife and the respondent is the husband.

The marriage between the petitioner and the respondent was solemnized on 09.07.2020 before the Joint – II Sub Registrar, Tenkasi and they blessed with a female child.

3. Due to some matrimonial discord, the parties have separated. Therefore, the petitioner/wife filed a domestic violence application before the Judicial Magistrate, Tenkasi in D.V.C.No.11 of 2011. Thereafter, both are jointly entered into Mubarath Agreement for mutual separation. To execute the same the petitioner/wife filed a suit in O.S.No.493 of 2024 before the Principal District Munsif, Tenkasi. To transfer the same to the file of Family Court, the respondent has filed an application in Tr.C.M.P.No.155 of 2025 before this Court and the same was dismissed on 14.02.2025, considering the hardship to the petitioner. Thereafter, the respondent/husband filed the suit in O.S.No.78 of 2025 on the file of Family Court, Chennai.

4. The learned counsel appearing for the petitioner/wife



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submits that his client is living in Tenkasi along with her child and she was taken care of by her parents. The distance between the petitioner's residence to Chennai, is around 625 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 O.S.No.78 of 2025 from the file of the Family Court, Chennai to the file of the Principal District Munsif's Court, Tenkasi.

5. Though the respondent entered appearance through his counsel, today there is no representation for the respondent.

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 :



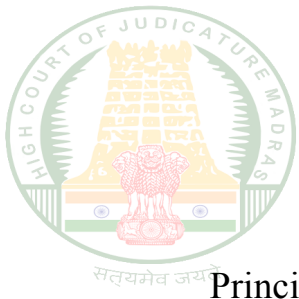
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“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to 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. This Court already dismissed the earlier transfer civil miscellaneous petition filed by the respondent/husband in Tr.C.M.P.No. 155 of 2025 to transfer the suit filed by the petitioner/wife before the



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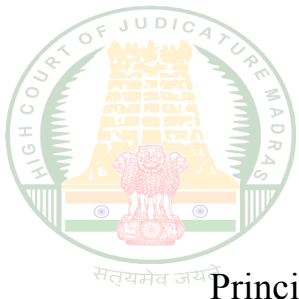
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Principal District Munsif, Tenkasi to the Family Court, Chennai, considering the inconvenience caused to the petitioner. The same reason is applicable to the present petition also.

10. 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 twelve hours journey to reach the Family Court, Chennai, situated 625 kms away from her Domicile, namely, Tenkasi, incurring huge expense, this court inclines to allow the petition.

11. But, in Tenkasi District, there is no Family Court has been constituted till now. The learned counsel for the petitioner relied upon the order of this Court passed in the case of Rosemila Begum Vs. Abdul Salem, dated 15.04.2019 in Tr.C.M.P.(MD).No.22 of 2019, wherein the case was transferred to the Principal District Munsif Court.

12. In view of the above, the learned District Judge, Family Court, Chennai, is hereby directed to transfer the entire records pertaining to the case, in O.S.No.78 of 2025, to the file of the learned



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Principal District Munsif, Tenkasi, 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 Principal District Munsif, Tenkasi, is directed to take the case on file, try the same and dispose of the case as expeditiously as possible in accordance with law.

13. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

06.08.2025

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

- 1.The District Judge, Family Court, Chennai.
- 2.The Principal District Munsif, Tenkasi.



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K.K. RAMAKRISHNAN, J.

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