



Tr.CMP.(MD)No.265 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.265 of 2025

and

C.M.P.(MD)No.7049 of 2025

D.Pratheepa

.. Petitioner

Vs.

G.Sellappan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.98 of 2025 pending on the file of the learned Principal Sub Judge, Kanchipuram and transfer the same to the file of the learned Principal Sub Judge, Thoothukudi.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.G.Britto Valan Arasu



Tr.CMP.(MD)No.265 of 2025

WEB COPY

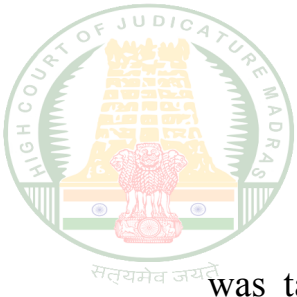
ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.98 of 2025 pending on the file of the learned Principal Sub Judge, Kanchipuram and transfer the same to the file of the learned Principal Sub Judge, Thoothukudi.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent alleged to be solemnized on 29.03.2024 at Sri Vallakottai Murugan Temple, Vellakottai, Sriperumbandur Taluk, Kanchipuram, as per the Hindu Rites and Customs.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in H.M.O.P.No. 98 of 2025, on the file of the Principal Subordinate Court, Kanchipuram, seeking restitution of conjugal rights.

4. The learned counsel appearing for the petitioner/wife submits that his client is living in Pudukkottai Town, Thoothukudi District and she



Tr.CMP.(MD)No.265 of 2025

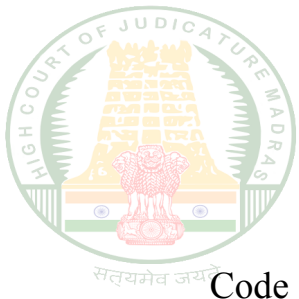
WEB COPY

was taken care of by her parents. The distance between the petitioner's residence to Madurai, is around 551 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.98 of 2025 from the file of the Principal Subordinate Court, Kanchipuram, to the file of the Principal Subordinate Court, Thoothukudi.

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

6. The learned counsel for the respondent would submit that there is a life threat to him. Hence, he opposed to transfer the same.

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



Tr.CMP.(MD)No.265 of 2025

WEB COPY

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.

9. Considering the overall facts and circumstances of the case and



Tr.CMP.(MD)No.265 of 2025

WEB COPY

also taking into account of the inconvenience expressed by the petitioner in attending every court hearing, by travelling ten hours journey to reach the Principal Subordinate Court, Kanchipuram, situated 551 kms away from her Domicile, namely, Pudukkottai Town, Thoothukudi District incurring huge expense, this court inclines to allow the petition. If any life threat is faced by the respondent, he is permitted to make complaint before the concerned jurisdictional Court ventilating his grievance, with concrete material for apprehension of life threat.

10. The learned Principal Subordinate Judge, Kanchipuram, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.98 of 2025, to the file of the learned Principal Subordinate Judge, Thoothukudi, 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 Subordinate Judge Thoothukudi, is directed to take the case on file and dispose of the case as expeditiously as possible in accordance with law.



Tr.CMP.(MD)No.265 of 2025

WEB COPY

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.

11.07.2025

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

To

- 1.The Principal Subordinate Judge, Kanchipuram.
- 2.The Principal Subordinate Judge, Thoothukudi.



WEB COPY



Tr.CMP.(MD)No.265 of 2025

K.K. RAMAKRISHNAN, J.

TM

Tr.CMP.(MD)No.265 of 2025
and
C.M.P.(MD)No.7049 of 2025

11.07.2025