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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Tr.CMP.(MD)No.311 of 2025

and

C.M.P.(MD)No.7936 of 2025

G.Saktheeswari

.. Petitioner/Respondent

Vs.

M.Raja

.. Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P. No.160 of 2025 on the file of the Family Court, Theni, and transfer the same to the file of the Family Court, Madurai.

For Petitioner : M/s.G.K.Chitra Devi

For Respondent: No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.160 of 2025 pending on the file of the Family Court, Theni, and transfer the same to the file of the Family Court, Madurai.



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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 29.11.2009 at Ganapathy Mahal at first floor of Veerapandiya Ramarajalakshmi Mahal, as per the Hindu Rites and Customs and no issues to them.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.160 of 2025 before the Family Court, Theni, seeking divorce.

4. The learned counsel for the petitioner would submit that the petitioner/wife is a disabled person and she is deaf and dumb. Now, she is residing at Madurai along with two female children under the care and custody of her parents. The distance between Madurai to Theni, is around 180 Kms, and the petitioner/wife, being a lady and also a disabled person, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks to allow this petition as prayed for.



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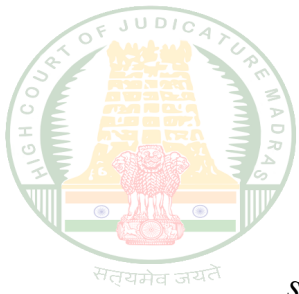
5. The name of the respondent has been printed in the cause list.

Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

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



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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 also taking into account of the inconvenience expressed by the petitioner in attending every court hearing by travelling an 2 ½ hour journey to reach the the Family Court, Theni, situated 180 km away from her domicile, incurring huge expense, this court inclines to allow the petition.



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10. The learned Judge, Family Court, Theni, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.160 of 2025 to the file of the Family Court, Madurai, within a period of **four weeks** from the date of receipt of a copy of this order, and on receipt of such records, the the Family Court, Madurai, is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

11. Accordingly, these Transfer Civil Miscellaneous Petition stand allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.06.2025

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No
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K.K.RAMAKRISHNAN, J.

dss

To

- 1.The Family Court,
Theni.
- 2.The Family Court,
Madurai.

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