



Tr.CMP.(MD)No.304 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.304 of 2025

and

C.M.P.(MD)No.7463 of 2025

Sujithra

.. Petitioner

Vs.

Ajithkumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case on the file of the learned Family Judge, Madurai, in H.M.O.P.No.191 of 2025 and transfer the same to the file of learned Subordinate Judge, Udumalaipet, Thiruppur District.

For Petitioner : Mr.J.Yogeswaran

For Respondent : No Appearance
Court Notice - Unclaimed



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case on the file of the learned Family Judge, Madurai, in H.M.O.P.No.191 of 2025 and transfer the same to the file of learned Subordinate Judge, Udumalaipet, Thiruppur District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.11.2020 as per the Hindu Rites and Customs at Arulmighu Subramania Swamy Temple, Thiruparankundram, Madurai.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in H.M.O.P.No. 191 of 2025, on the file of the Family Court, Madurai, seeking divorce. Before that the petitioner/wife filed domestic violence complaint in M.C.No.10 of 2024 and D.V.C.No.7 of 2024 before the learned District Munsif cum Judicial Magistrate, Madathukulam, Thiruppur District.



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4. The learned counsel appearing for the petitioner/wife submits that his client is living in Madathukulam, Thiruppur District and she was taken care of by her parents. The distance between the petitioner's residence to Madurai, is around 132 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Moreover the domestic violence case filed by the wife is also pending in Thiruppur District. Hence, she seeks transfer of proceeding in H.M.O.P.No.191 of 2025 from the file of the Family Court, Madurai to the file of the Sub Court, Udumalaipet, Thiruppur District.

5. Even though notice was sent to the respondent, it was returned as 'unclaimed'. Hence, it was deemed to be served and his name was also printed in the cause list.

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***



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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 transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall



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be given preference.
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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 three hours journey to reach the Family Court, Madurai, situated 132 kms away from her Domicile, namely, Madathukulam, Thiruppur District, incurring huge expense, this court inclines to allow the petition.

10. The learned District Judge, Family Court, Madurai, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No. 191 of 2025, to the file of the learned Subordinate Judge, Udumalaipet, Thiruppur 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 Subordinate Judge, Udumalaipet, Thiruppur 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



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allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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

- 1.The District Judge, Family Court, Madurai.
- 2.The Subordinate Judge, Udumalaipet, Thiruppur District.



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K.K. RAMAKRISHNAN, J.

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