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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.295 of 2025

and

C.M.P.(MD)No.7367 of 2025

S.Arul Mozhi Devi

.. Petitioner/Respondent

Vs.

Ramnarayanan

.. Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.No.424 of 2025 on the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Sivagangai, to be tried along with MC.No.28 of 2025.

For Petitioner : Mr.K.Sudalaiyandi

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the HMOP.No.424 of 2025 on the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Sivagangai, to be tried along with MC.No.28 of 2025.

2. The petitioner and the respondent herein are the husband and wife. The marriage between the petitioner and the respondent was solemnized on 06.12.2019 at Madurai Mela Aavani Moolaveethi Leelavathi Bhavan Marriage Hall, as per the Hindu Rites and Customs and they have no issues.

3. From the date of marriage, the petitioner faced harassment at the hands of the respondent and his family members for additional dowry. The respondent and his family members are said to have assaulted the petitioner and also detained her in a separate room. Thereby, the petitioner lodged a complaint before the Inspector of Police, All Women Police Station, Madurai Town, against the respondent and his family members and the same was registered in Crime No.14 of 2025 for the offence under Sections 85 and 351(2) of BNS Act. Now, the petitioner is living with her



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aged widow mother under her custody. Hence, she filed a petition in MC.No.28 of 2025 on the file of Family Court, Sivagangai, seeking maintenance. As a counter blast, the respondent/husband initiated a proceeding in HMOP.No.424 of 2025 on the file of the Family Court, Madurai, seeking divorce on the grounds of cruelty and desertion with the false averments.

4. The learned counsel appearing for the petitioner/wife submits that now she is living in Manamadurai Taluk, with her aged widow mother. The distance from the native of the petitioner to Madurai, is around 100 Km, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Apart from that, since a case in Crime No.14 of 2025 is pending against the respondent and his family members, there is apprehension to her life. Hence, he seeks to transfer the case as prayed for.

5. Heard the learned counsel for the petitioner. Eventhough the respondent's name was printed in the cause list, none appeared for the respondent either in person or through counsel.



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6. 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.”



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7. 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.

8. 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 with her aged widow mother by travelling an 2 hour journey to reach the Family Court, Madurai, situated 100 km away from her domicile, incurring huge expense, this court inclines to allow the petition.

9. The Family Court, Madurai, is directed to transmit the entire records pertaining to the case in HMOP.No.424 of 2025 to the file of the Family Court, Sivagangai, within a period of four weeks from the date of receipt of a copy of this order, and on receipt of such records, the Family Court, Sivagangai, is directed to take the case on file and to be tried along with MC.No.28 of 2025 and dispose of both the cases as expeditiously as possible in accordance with law.



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

20.06.2025

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

To

1.The Family Court,
Madurai.

2.The Family Court,
Sivagangai.



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K.K. RAMAKRISHNAN, J.

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