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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.307 of 2025

and

C.M.P.(MD)No.7501 of 2025

Jackline Sathyapraha

.. Petitioner/Respondent

Vs.

Sengole Lawrence

.. Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in IDOP.No.42 of 2025 on the file of the Family Court, Pudukkottai, to try along with the case in M.C.NO.108 of 2024 on the file of the Family Court, Trichy.

For Petitioner : Mr.S.Krishnan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the IDOP.No.42 of 2025 on the file of the Family Court, Pudukkottai, and transfer the same to the file of the Family Court, Trichy, to be tried along with M.C.No.108 of 2024.



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2. The petitioner and the respondent herein are the husband and wife. The marriage between the petitioner and the respondent was solemnized on 27.08.2017 at Raja Hotel, Trichy, as per the Hindu Rites and Customs and they have a male child.

3. Due to some matrimonial discord, the partes have separated. Therefore, the petitioner/wife initiated a proceedings in M.C.No.108 of 2024 before the Family Court, Trichy seeking maintenance. Thereafter, the respondent/husband filed a petition in IDOP.No.42 of 2025 on the file of the Family Court, Pudukkottai, seeking restitution of conjugal rights.

4. The learned counsel appearing for the petitioner/wife submits that now she is living at Trichy, with her minor child. The distance from the native of the petitioner to Pudukkottai, is around 114 km, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, he seeks to transfer the case as prayed for.

5. 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. Heard 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 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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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 with her minor child by travelling an 2 hour journey to reach the Family Court, Pudukkottai, situated 114 km away from her domicile, incurring huge expense, this court inclines to allow the petition.

10. The Family Court, Pudukkottai, is directed to transmit the entire records pertaining to the case in IDOP.No.42 of 2025 to the file of the Family Court, Trichy, 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, Trichy, is directed to take the case on file and to be tried along with MC.No. 108 of 2024 and dispose of both the cases as expeditiously as possible in accordance with law.



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11. 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,
Pudukkottai.

2.The Family Court,
Trichy.



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K.K. RAMAKRISHNAN, J.

dss

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