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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Tr.CMP.(MD)No.349 of 2025

and

C.M.P.(MD)No.9646 of 2025

Mariyammal

.. Petitioner/Respondent

Vs.

Muthu Mareeswaran

.. 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.89 of 2025 on the file of the Sub Court, Sivakasi, Virudhunagar District and transfer the same to the file of the Sub Court, Sankarankovil, Tenkasi District.

For Petitioner : Mr.P.Ponraj
For Respondent: No Appearance
(Notice through Court and Post served)

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.89 of 2025 on the file of the Sub Court, Sivakasi, Virudhunagar District, and transfer the same to the file of the Sub Court, Sankarankovil, Tenkasi District.



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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 01.02.2009 at Perumal Temple, Karisathan Village, Thiruvengadam Taluk, Tenkasi District, as per the Hindu Rites and Customs and two children were born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceedings in H.M.O.P.No.89 of 2025 before the Sub Court, Sivakasi, Virudhunagar District, seeking divorce.

4. The learned counsel for the petitioner would submit that now the petitioner is living in Karisathan, Tiruvenkadam Taluk, Tenkasi District, with her minor children. The distance between the petitioner's domicile to the Sub Court, Sivakasi, Virudhunagar District, is around 100 km, and being a lady with a minor children, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks to allow this petition as prayed for.



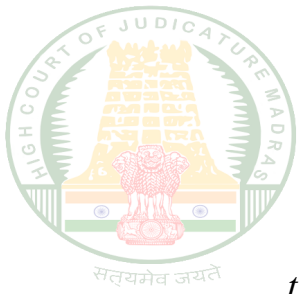
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5. Despite notice being served to the respondent, he has not chosen to appear before this Court either in person or through the counsel.

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 standard of life prior to the marriage and subsequent thereto and



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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 Sub Court, Sivakasi, Virudhunagar District, situated 100 km away from her domicile, incurring huge expense, this Court inclines to allow the petition.



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10. The learned Judge, Sub Court, Sivakasi, Virudhunagar District, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.89 of 2025 to the file of the Subordinate Court, Sankarankovil, Tenkasi 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 Subordinate Court, Sankarankovil, Tenkasi District, 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.

28.07.2025

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

To

- 1.The Sivakasi,
Virudhunagar.
- 2.The Subordinate Court,
Sankarankovil, Tenkasi District.



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K.K.RAMAKRISHNAN, J.

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