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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 11.06.2025**

**CORAM**

**THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**Tr.CMP.(MD)No.310 of 2025**

**and**

**C.M.P.(MD)No.7727 of 2025**

S.Diviyamani

.. Petitioner/Respondent-Wife

Vs.

A.Muruganantham

.. Respondent/Petitioner-Husband

**Prayer** : Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw the case on the file of the Family Court, Karur in H.M.O.P.No.35 of 2025 and transfer the same to the Sub Court, Vedasanthur, Dindigul.

For Petitioner : Ms.M.Vignesh Kumar

For Respondent : No Appearance

**ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.35 of 2025 on the file of Family Court, Karur and transfer the same to the file of Sub Court, Vedasanthur, Dindigul, to conduct enquiry.

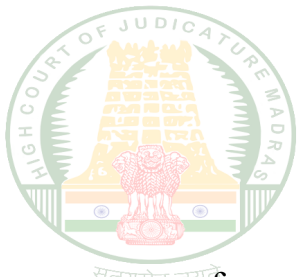


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2. The petitioner and the respondent herein are the husband and wife. The marriage between the petitioner and the respondent was solemnized on 12.09.2018 at K.C.M Mahal, Thanthondimalai, Karur District, as per the Hindu Rites and Customs. During their wedlock, one female child, was born.

3. From the date of marriage, the petitioner faced harassment at the hands of the respondent and his family members for additional dowry. Thereby, due to difference of opinion, the parties have separated. Therefore, the respondent/husband initiated a proceeding in H.M.O.P.No.35 of 2025, before the Family Court, Karur, seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits that now she is living in Gujuliamparai Taluk, with her minor child and they were taken care of by her parents. The distance between the petitioner's village to Karur is around 160 Km, and being a lady with a minor child, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.35 of 2025



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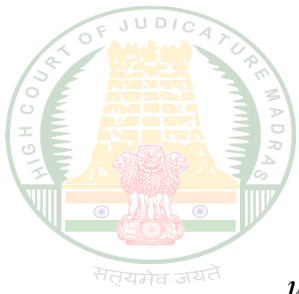
from the file of the Family Court, Karur, to the file of the Sub Court, Vedsanthur, Dindigul.

5. The learned counsel for the respondent requested this Court to fix a central place convenient for both the parties.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent 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*



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*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 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 child by travelling an 3 hour journey to reach the Family Court, Karur, situated 160 km away from her domicile, incurring huge expense, this court inclines to allow the petition.



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10. The learned District Judge, Family Court, Karur, is hereby directed to transfer the entire records pertaining to the cases, in H.M.O.P.Nos.35 of 2025 to the file of the learned Sub Judge, Sub Court, Vedasanthur, Dindigul 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 Sub Judge, Sub Court, Vedasanthur, Dindigul District, is directed to take the cases on file and dispose of the case as expeditiously as possible in accordance with law.

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

**11.06.2025**

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

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**To**

- 1.The Family Court,  
Karur
- 2.The Sub Court,  
Vedasanthur, Dindigul.

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