



Tr.C.M.P(MD).No.378 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.378 of 2024

and

C.M.P(MD)No.8330 of 2024

M.Nazeema Parveen

: Petitioner

Vs.

S.Mohamed Meera Mydeen

: Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.20 of 2024 on the file of the III Additional Family Court, Chennai and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.J.Arul Prakash,
for Mr.M.A.Shahul Hameed

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.20 of 2024 on the file of the III Additional Family Court, Chennai and transfer the same to the Family Court, Trichy.



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2. It is evident from the records that the marriage between the parties was solemnized on 07.06.2012. It is not in dispute that the respondent has filed a suit in O.S.No.20 of 2024 for dissolution of marriage and the same is pending on the file of the III Additional Family Court, Chennai.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Tennur, Trichy District and she has to take care of her one year old baby and finds it very difficult to travel to Chennai to attend the hearings.

4. Admittedly, the respondent is now working in aboard. The learned counsel for the respondent would submit that the respondent has given power to his mother, who is aged about 70 years and she finds it very difficult to travel to Trichy. But the fact remains that the respondent alone has filed the divorce petition and he himself gave power to conduct the case to his mother and as such, it cannot be a ground for rejecting the prayer sought for by the petitioner. Moreover, the learned counsel for the petitioner would submit that the petitioner has already filed a maintenance claim and is yet to be numbered.

5.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 reiterated



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the position with generally, it is the wife's convenience, which must be looked at 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.”

6. Considering the facts and circumstances of the case and also the fact that petitioner is residing at Tennur, Trichy and she has to take care of her one year old baby, this Court is of the view that the suit in O.S.No.20 of 2024, is ordered to be withdrawn from the file of the III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Trichy. Accordingly, the learned Judge, III Additional Family Court, Chennai, is hereby directed to transmit the entire records in O.S.No.20 of 2024 to the file of the



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Family Court, Trichy, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Judge, Family Court, Trichy, is directed to take up the suit on file and proceed in accordance with law.

7. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

30.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.The Judge, III Additional Family Court, Chennai.
- 2.The Judge, Family Court, Trichy.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

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