



Tr.C.M.P.(MD).No.324 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01.07.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Tr.C.M.P.(MD)No.324 of 2025

and

C.M.P.(MD).No.8625 of 2025

Gowri @ Rajalakshmi

... Petitioner

Vs.

Vignesh @ Seenuvasa Sharma

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition has been filed under Section 24 of C.P.C., to order to transfer the case in H.M.O.P.No.44 of 2025 pending on the file of the Subordinate Court, Sirkazhi to the Sub Court, Keeranur, Pudukkottai District and conduct the Trial.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : No appearance



Tr.C.M.P.(MD).No.324 of 2025

ORDER

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The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceedings in H.M.O.P.No.44 of 2025 pending before the Sub Court, Sirkazhi and transfer the same to the file of the Sub Court, Keeranur, Pudukkottai.

2.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.11.2023 as per the Hindu Rites and Customs.

3.Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceedings in H.M.O.P.No.44 of 2025 on the file of the Sub Court.

4.The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her parents at Kumaramangalam, Mathur Post, Kulathur Taluk, Pudukkottai District. The distance between Kumaramangalam and Sirkazhi is around 200 kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every



Tr.C.M.P.(MD).No.324 of 2025

Court hearing. Hence, she seeks transfer of proceedings in H.M.O.P.No.44 of 2025 from the file of the Sub Court, Sirkazhi to the file of the Sub Court Keeranur, Pudukottai.

5.The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through his counsel nor in-person to oppose this transfer petition.

6.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

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



Tr.C.M.P.(MD).No.324 of 2025

WEB COPY

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."

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 expresses by the petitioner in attending every court hearing, by travelling 6 hours journey to reach the Sub Court, Sirkazhi, situated 200 kms away from her Domicile, namely, Kumaramangalam, Mathur Post, Kulathur Taluk, Pudukkottai District, incurring expense, this Court inclines to allow the petition.



Tr.C.M.P.(MD).No.324 of 2025

10.The learned Judge, Sub Court, Sirkazhi, is hereby directed to transfer the entire records pertaining to the case in H.M.O.P.No.44 of 2025, to the file of the learned Subordinate Judge, Keeranur, Pudukkottai 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 Subordinate Judge, Keeranur, Pudukkottai is directed to take the case on file, and dispose of the cases as expeditiously as possible in accordance with law.

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

01.07.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbm

To

- 1.The Sub Court,
Sirkazhi.
- 2.The Sub Court,
Keeranur, Pudukkottai District.

5/6



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Tr.C.M.P.(MD).No.324 of 2025

K.K.RAMAKRISHNAN, J.

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Tr.C.M.P.(MD).No.324 of 2025
and
C.M.P.(MD).No.8625 of 2025

01.07.2025