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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.321 of 2025

and

C.M.P.(MD)No.8569 of 2025

Primila

... Petitioner/Respondent

Vs.

Boopathi

.. Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.696 of 2024 on the file of the Family Court, Tirupur, and transfer the same to the file of the Subordinate Court, Sankarankoil.

For Petitioner : Mr.P.Sathish Kumar

For Respondent : No Appearance
(Notice through Court and Post served)

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.696 of 2024 from the file of the Family Court, Tirupur, and transfer the same to the file of the Subordinate Court, Sankarankoil.



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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 17.05.2017 at Veeramathi Ammal Kovil, Sevur, as per the Hindu Rites and Customs. Out of wedlock, one female child, was born on 29.09.2018.

3. Due to some matrimonial discord, the parties have separated.

Therefore, the petitioner/wife initiated a proceedings in H.M.O.P.No.184 of 2022, before the Subordinate Court, Sankarankoil, seeking restitution of conjugal rights and the same is pending. The respondent/husband also initiated a proceedings in H.M.O.P.No.114 of 2023 before the Family Court, Trippur, seeking divorce and the same was transferred to the Subordinate Court, Sankarankoil by the order of this Court in Tr.CMP(MD)No.26 of 2023. The said divorce petition filed by the respondent/husband was dismissed. Hence, he filed a fresh divorce petition in H.M.O.P.No.696 of 2024.

4. The learned counsel appearing for the petitioner/wife submits that now the petitioner is living at Vasdevanallur, Tenkasi District with her minor child. The distance between the petitioner's domicile to Trippur is



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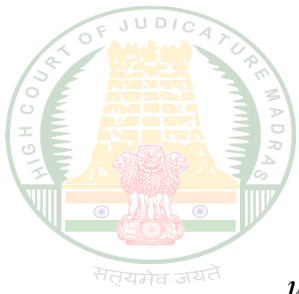
around 320 Km, and being a lady with a minor child, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, he seeks to allow this petition as prayed for.

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 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



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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 minor child by travelling 6 ½ hour of journey to reach the Family Court, Tirupur, situated 320 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, Tirupur, is hereby directed to transfer the entire records pertaining to the case in H.M.O.P.No. 696 of 2024, to the file of the learned District Judge, Subordinate Court, Sankarankoil, 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 District Judge, Subordinate Court, Sankarankoil, is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

08.08.2025

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

To

- 1.The Family Court, Tirupur.
- 2.The Subordinate Court, Sankarankoil.



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K.K. RAMAKRISHNAN, J.

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