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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.332 of 2025

and

C.M.P.(MD)No.9045 of 2025

Jeyakamatchi

.. Petitioner/Respondent

Vs.

Saravanakumar

.. Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.152 of 2024 on the file of II Additional Sub Court, Madurai, and transfer the same to the Subordinate Court, Viruthunagar District.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For Respondent : No Appearance
(Notice – Refused)



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.152 of 2024 on the file of III Additional Sub Court, Madurai, and transfer the same to the file of the Subordinate Court, Viruthunagar District.

2. The petitioner and the respondent herein are the husband and wife. The marriage between the petitioner and the respondent was solemnized on 04.06.2009 at Nagaiah Mahal, koodal Nagar, as per the Hindu Rites and Customs and they have two male children.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband filed a petition in H.M.O.P.No.152 of 2024 on the file of the III Additional Sub Court, Madurai, seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits that now she is living at Virudhunagar District, with her children. The distance from the native of the petitioner to Madurai, is around 100 km, and



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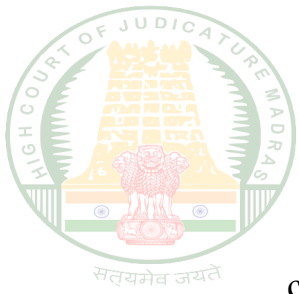
being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, he seeks to transfer the case as prayed for.

5. Eventhough the respondent's name was printed in the cause list, none appeared for the respondent either in person or through counsel.

6. Heard 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



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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 children by travelling an 2 hour 40 minute journey to reach the III Additional Sub Court, Madurai, situated 100 km away from her domicile, incurring huge expense, this court inclines to allow the petition.



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10. The III Additional Sub Court, Madurai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.152 of 2024 to the file of the Subordinate Court, Viruthunagar 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, Viruthunagar District, 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 Petition is closed.

10.07.2025

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

To

1.The III Additional Sub Court,
Madurai.

2.The Subordinate Court,
Viruthunagar District.

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