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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.334 of 2025

and

C.M.P.(MD)No.9074 of 2025

Anitha

.. Petitioner

Vs.

Kishore

.. Respondent

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.123 of 2023 on the file of the Family Court, Ramanathapuram and transfer the same to the file of Family Court, Coimbatore, Coimbatore District for adjudication.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : No Appearance
Private Notice - Refused



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.123 of 2023 on the file of the Family Court, Ramanathapuram and transfer the same to the file of Family Court, Coimbatore, Coimbatore District for adjudication.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.05.2023 at Thiruvengitaperumal Temple in Kottapalayam Village, as per the Hindu Rites and Customs. Due to the above said wedlock one female child was born.

3. Due to some matrimonial discord, the parties have separated. Therefore, the husband filed H.M.O.P.No.123 of 2023 on the file of the Family Court, Ramanathapuram, seeking divorce. The petitioner/wife filed H.M.O.P.No.88 of 2024 for restitution of conjugal rights on the file of the Subordinate Court, Coimbatore.



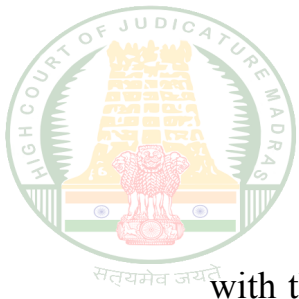
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4. The learned counsel appearing for the petitioner/wife submits that his client is living in Vellamadaï, Coimbatore District, and she was taken care of by her parents. The distance between the petitioner's residence to Ramanathapuram, is around 640 Kms, and being a lady, she finds it difficult to travel such a long distance along with her child for attending every Court hearing. She has also filed H.M.O.P.No.88 of 2024 on the file of the Subordinate Court, Coimbatore. Hence, she seeks transfer of proceeding in H.M.O.P.No.123 of 2023 from the file of the Family Court, Ramanathapuram, to the file of the Family Court, Coimbatore.

5. Even though notice was served upon the respondent, it was returned as 'refused'.

6. Heard the learned counsel appearing for 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



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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 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.



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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, by travelling twelve hours journey to reach the Family Court, Madurai, situated 640 kms away from her Domicile, namely, Vellamada, Coimbatore District, incurring huge expense, this court inclines to allow the petition.

10. The learned District Judge, Family Court, Ramanathapuram, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.123 of 2023, to the file of the learned District Judge, Family Court, Coimbatore, 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, Family Court, Coimbatore, is directed to take the case on file, and dispose of the case as expeditiously as possible in accordance with law.

11. Accordingly, this Transfer Civil Miscellaneous Petition stands



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allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

15.07.2025

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

- 1.The District Judge, Family Court, Ramanathapuram.
- 2.The District Judge, Family Court, Coimbatore.



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K.K. RAMAKRISHNAN, J.

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