

Tr.CMP.(MD)No.374 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.374 of 2025

and

C.M.P.(MD)No.10156 of 2025

P.Subashini

.. Petitioner

Vs.

G.Rajapriyan

.. 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.69 of 2024 pending on the file of the Subordinate Court, Melur, Madurai District, and transfer the same to the file of the Subordinate Court, Kodaikanal, Dindigul District.

For Petitioner : Mr.S.Karthik

For Respondent : No Appearance
Court Notice served



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.69 of 2024 pending on the file of the Subordinate Court, Melur, Madurai District, and transfer the same to the file of the Subordinate Court, Kodaikanal, Dindigul District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.03.2024 as per the Hindu Rites and customs at Madurai Palamuthir Cholai Murugan Temple.

3. Due to some matrimonial discord, the parties have separated. Therefore, the petitioner/wife filed D.V.O.P.No.2 of 2024 on the file of the Judicial Magistrate Court, Kodaikanal, under Domestic Violence Act. Thereafter, the respondent/husband filed H.M.O.P.No.69 of 2024, on the file of the Subordinate Court, Melur, Madurai District, seeking restitution of conjugal rights.



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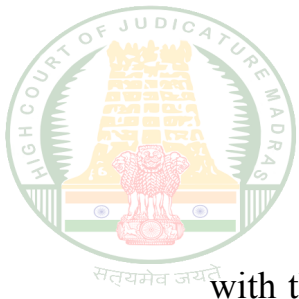
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4. The learned counsel appearing for the petitioner/wife submits that his client is living in Thandikudi, Kodaikanal Taluk, Dindigul District and she was taken care of by her parents. The distance between the petitioner's residence to Melur, is around 132 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceedings in H.M.O.P.No.69 of 2024 from the file of the Subordinate Court, Melur, to the file of the Subordinate Court, Kodaikanal.

5. Even though notice has been served upon the respondent and his name has been printed in the cause list, he did not appear before this Court either in person or through counsel.

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 four hours journey to reach the Subordinate Court, Melur, Madurai District, situated 132 kms away from her Domicile, namely, Kodaikanal, incurring huge expense, this court inclines to allow the petition.

10. The learned Subordinate Judge, Melur, Madurai District, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.69 of 2024, to the file of the learned Subordinate Judge, Kodaikanal, Dindigul 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 learned learned Subordinate Judge, Kodaikanal, Dindigul District, is directed to take the case on file, try the same and dispose of the cases 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.

29.07.2025

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

- 1.The Subordinate Judge, Melur, Madurai District.
- 2.The Subordinate Judge, Kodaikanal, Dindigul District.



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K.K. RAMAKRISHNAN, J.

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