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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Tr.CMP.(MD)No.386 of 2025

and

C.M.P.(MD)No.10589 of 2025

Muthulakshmi @ Meganethra

.. Petitioner/Respondent

Vs.

G.Venkatesh

.. Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P.No.4 of 2025 on the file of the Sub Court, Muthukulathur and transfer the same to the file of the Sub Court, Virudhunagar.

For Petitioner : Mr.V.Ramesh

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

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.4 of 2025 on the file of the Sub Court, Muthukulathur, and transfer the same to the file of the Sub Court, Virudhunagar.



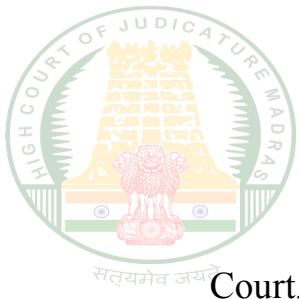
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2. The petitioner is the wife and the respondent is the husband.

The marriage between the petitioner and the respondent was solemnized on 27.11.2020 at Arulmigu Sri Kamatchiamman Temple, Kadaladi, as per the Hindu Rites and Customs and two children were born.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife filed a petition in H.M.O.P.No.223 of 2024 before the Sub Court, Virudhunagar, Seeking divorce. The respondent/husband has initiated the proceedings in H.M.O.P.No.4 of 2025 before the Sub Court, Muthukulathur, seeking restitution of conjugal rights.

4. The learned counsel for the petitioner would submit that the respondent is impotent, and without any *bona fide* reasons, he filed a petition for restitution of conjugal rights in H.M.O.P.No.4 of 2025 before the Sub Court, Muthukulathur, under Section 9 of the Hindu Marriage Act, 1955. Apart from that, now, the petitioner is living at Virudhunagar along with her parents. The distance between the petitioner's domicile to the Sub



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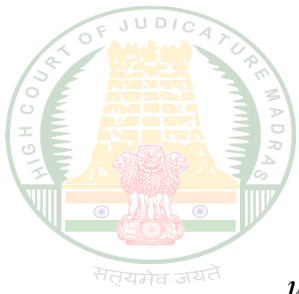
Court, Muthukulathur, is around 150 km, and being a lady with her age old parents, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks to allow this petition as prayed for.

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 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

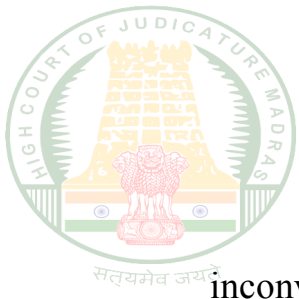


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upon to consider the plea of transfer; the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent 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 specific averment made in the paragraph No.5 of the affidavit and also the petitioner's case that without any *bona fide* reasons, the respondent filed the petition for restitution of conjugal rights in H.M.O.P.No.4 of 2025 before the Sub Court, Muthukulathur, under Section 9 of the Hindu Marriage Act, 1955 and also taking into account of the



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inconvenience expressed by the petitioner in attending every court hearing by travelling an 3½ hour journey to reach the the Sub Court, Muthukulathur, situated 150 km away from her domicile, incurring huge expense, this Court inclines to allow the petition.

10. The learned Judge, Sub Court, Muthukulathur, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.4 of 2025 to the file of the Subordinate Court, Virudhunagar, 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, Virudhunagar, is directed to take the case on file and try this case along with H.M.O.P.No.223 of 2024 and dispose of both the cases as expeditiously as possible in accordance with law.

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

28.07.2025

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No
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K.K.RAMAKRISHNAN, J.

dss

To

1.The Sub Court,
Muthukulathur.

2.The Subordinate Court,
Virudhunagar.

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