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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.391 of 2025

and

C.M.P.(MD)No.10718 of 2025

S.Ramuna

... Petitioner/Respondent

Vs.

S.Senthilkumar

.. Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.145 of 2023 on the file of the II Additional Sub Court, Coimbatore, and transfer the same to the file of the Principal Sub Court, Dindigul.

For Petitioner : Mr.S.Packiya Muthu

For Respondent : Mr.V.Kannan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.145 of 2023 from the file of the II Additional Sub Court, Coimbatore, and transfer the same to the file of the Principal Sub Court, Dindigul.



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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 14.08.2010 at Eswaran Kovil, Annur, as per the Hindu Rites and Customs. Due to wedlock, two female children were born on 14.01.2013 and 26.07.2015 respectively.

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

Therefore, the respondent/husband also initiated a proceedings in H.M.O.P.No.145 of 2023, before the II Additional Sub Court, Coimbatore, seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits that now the petitioner is living at Dindigul District. The distance between the petitioner's domicile to Coimbatore is around 400 Kms, and being a lady, 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.



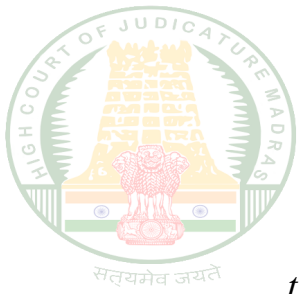
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5. Heard the learned counsel appearing for the petitioner and learned counsel for the respondent and perused the materials available on records.

6. The learned counsel for the respondent has no objection to allow this petition.

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 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



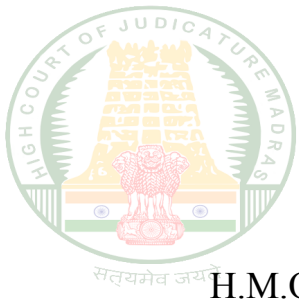
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the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience 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 by travelling an 5 hour journey to reach the II Additional Court, Coimbatore, situated 400 km away from her domicile, incurring huge expense, this court inclines to allow the petition.

10. The learned District Judge, II Additional Court, Coimbatore, is hereby directed to transfer the entire records pertaining to the case in



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H.M.O.P.No.145 of 2023, to the file of the Principal Sub Court, Dindigul, 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, Principal Sub Court, Dindigul, 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
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To

- 1.The II Additional Sub Court, Coimbatore.
- 2.The Principal Sub Court, Dindigul.



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K.K. RAMAKRISHNAN, J.

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