



Tr.C.M.P.(MD)No.428 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 21.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.428 of 2023
and
C.M.P.(MD)No.8983 of 2023

Gomathi @ Pavithira

... Petitioner

Vs.

Sureshkumar

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.81 of 2023 on the file of the Family Court, Sivagangai and transfer the same to Sub Court, Thirumayam.

For Petitioner : Mr.R.Rajaraman

For Respondent : Mr.R.Senthil Kumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Sivagangai, in H.M.O.P.No.81 of



Tr.C.M.P.(MD)No.428 of 2023

WEB COPY

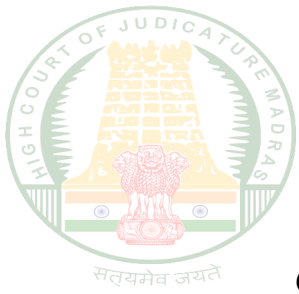
2023 and transfer the same to the file of the Subordinate Court, Thirumayam.

2. Heard the learned counsel on either side.

3. It is evident from the records that the marriage between the petitioner and the respondent was solemnized on 03.06.2022 and due to wedlock, they have been blessed with a child. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.81 of 2023 seeking divorce and the same is pending on the file of the Family Court, Sivagangai.

4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Ponnamaravathy, Pudukkottai District and finds it difficult to travel to Sivagangai to attend the hearings. He would further submit that the respondent is working in Chennai and not at Sivagangai.

5. The learned counsel appearing for the respondent would reiterate that the respondent is at Sivagangai.



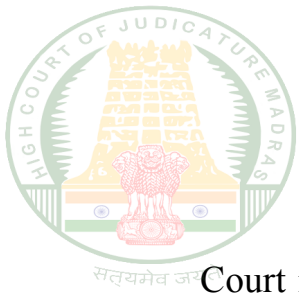
Tr.C.M.P.(MD)No.428 of 2023

WEB COPY

6. 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 reiterated the position with generally, it is the wife's convenience, which must be looked at 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.”

7. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Pudukkottai District, this



Tr.C.M.P.(MD)No.428 of 2023

WEB COPY

Court is of the view that the case in H.M.O.P.No.81 of 2023 is ordered to be withdrawn from the file of the Family Court, Sivagangai, and transfer the same to the file of the Subordinate Court, Thirumayam. Accordingly, the learned Judge, Family Court, Sivagangai, is hereby directed to transmit the entire records in H.M.O.P.No.81 of 2023 to the file of the Subordinate Court, Thirumayam, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Subordinate Judge, Thirumayam, is directed to take up the petition on file and proceed in accordance with law.

8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

21.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Judge,
Family Court, Sivagangai.



Tr.C.M.P.(MD)No.428 of 2023

2. The Subordinate Judge,
Thirumayam.

3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P.(MD)No.428 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.428 of 2023
and
C.M.P.(MD)No.8983 of 2023

Dated : 21.01.2025