



Tr.CMP.(MD)No.419 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.419 of 2025

and

C.M.P.(MD)No.11348 of 2025

M.Suresh

.. Petitioner

Vs.

P.Kavery

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition for dissolution of marriage in H.M.O.P.No.83 of 2025 pending on the file of Family Court, Srivilliputhur and transfer the same to the Family Court, Theni.

For Petitioner : Mr.K.Appadurai

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the petition for dissolution of marriage in H.M.O.P.No.83 of 2025 pending on the file of Family Court, Srivilliputhur and transfer the



Tr.CMP(MD)No.419 of 2025

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same to the Family Court, Theni.

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

The marriage between the petitioner and the respondent was solemnized on 15.02.2019 at Arulmigu Kanneeswaramudayar Thirukovil, Veerapandi, Theni District as per the Hindu Rites and Customs. Due to the wedlock they have twin sons.

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

Therefore, the respondent/wife initiated a proceeding in H.M.O.P.No.83 of 25 for dissolution of marriage, on the file of the Family Court, Srivilliputhur, Virudhunagar District.

4. The learned counsel appearing for the petitioner submits that the respondent/wife is not residing in the above mentioned address and permanently, she is residing at Kerala. The above said HMOP proceedings have not been filed in the place, where the marriage was held or where the wife is residing at present.



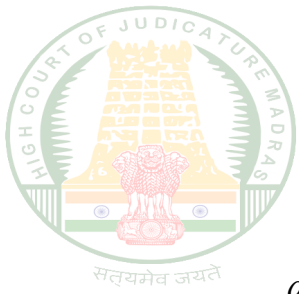
Tr.CMP.(MD)No.419 of 2025

WEB COPY

5.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.

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 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 the circumstances of both the parties in eking out their livelihood



Tr.CMP.(MD)No.419 of 2025

WEB COPY

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.But, in the present case, the husband filed the petition to transfer the above said HMOP proceedings without any valid reason, which is not entertainable. This Court finds no merit in this petition and this petition is liable to be dismissed.

8.Accordingly, this transfer civil miscellaneous petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2025

Index :Yes/No
Speaking Order :Yes/No
Neutral Citation :Yes/No
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Tr.CMP.(MD)No.419 of 2025

WEB COPY **To**

- 1.The District Judge, Family Court, Srivilliputhur.
- 2.The District Judge, Family Court, Theni.



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Tr.CMP.(MD)No.419 of 2025

K.K. RAMAKRISHNAN, J.

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Tr.CMP.(MD)No.419 of 2025
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