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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.425 of 2025

and

C.M.P.(MD)No.11495 of 2025

Vinitha

.. Petitioner

Vs.

Karikalan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.102/2025 from the file of the Additional Subordinate Court, Kumbakonam, Thanjavur District and Transfer the same to the file of the Family Court Theni to be tried along with H.M.O.P.No.167/2025.

For Petitioner : Mr.J.Bharathiveerakumar

For Respondent : No Appearance
Private Notice Served

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.102/2025 from the file of the



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Additional Subordinate Court, Kumbakonam, Thanjavur District and Transfer the same to the file of the Family Court, Theni to be tried along with H.M.O.P.No.167/2025.

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

The marriage between the petitioner and the respondent was solemnized on 04.05.2022 as per the Hindu Rites and Customs at Thanjavur District, Kumbakonam, Gandhiadikal Road, Raya – Raj, Anukkiraha Marriage Mahal. Out of the above said wedlock they have blessed with a girl child.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in H.M.O.P.No.102 of 2025, on the file of the Additional Subordinate Court, Kumbakonam, Thanjavur District. The petitioner/wife filed H.M.O.P.No.167 of 2025 on the file of the Family Court, Theni.

4. The learned counsel appearing for the petitioner/wife submits that his client is living in Theni and she was taken care of by her parents. The distance between the petitioner's residence to Kumbakonam



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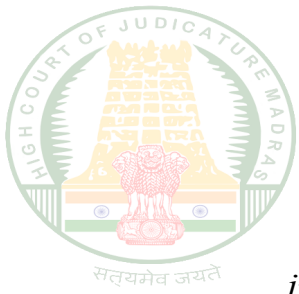
is around 280 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.102 of 2025 from the file of the Additional Subordinate Court, Kumbakonam, to the file of the Family Court, Theni.

5. Even though the respondent was served with notice he did not entered appearance either through Court or in person.

6. Heard the learned counsel appearing 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

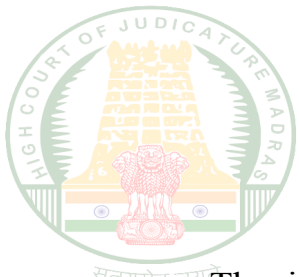


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justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, 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.

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 five hours journey to reach the Additional Subordinate Court, Kumbakonam, Thanjavur District, situated 280 kms away from her Domicile, namely,



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Theni, incurring huge expense, this court inclines to allow the petition.

10. The learned Additional Subordinate Judge, Kumbakonam, Thnajavur District, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.102 of 2025, to the file of the learned District Judge, Family Court, Theni, 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 District Judge, Family Court, Theni, is directed to take the case on file, try the same along with the H.M.O.P.No. 167 of 2025, pending on his file, filed by the wife and dispose of the case as expeditiously as possible in accordance with law.

11. With the above said directions, this Transfer Civil Miscellaneous Petition stands allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

11.08.2025

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

1. The Additional Subordinate Judge, Kumbakonam, Thanjavur District.
2. The District Judge, Family Court, Theni.



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K.K. RAMAKRISHNAN, J.

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