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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.428 of 2025

and

C.M.P.(MD)No.11617 of 2025

M.Priscilla

.. Petitioner

Vs.

Arun Andrew

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in I.D.O.P.No.35 of 2025 on the file of the learned III Additional District Judge, Tiruchirappalli and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Samidurai

For Respondent : Mr.B.Jameel Arasu



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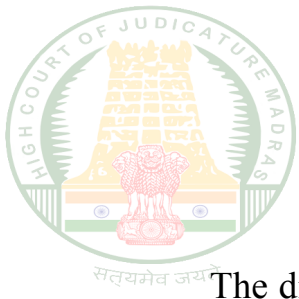
ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in I.D.O.P.No.35 of 2025 on the file of the learned III Additional District Judge, Tiruchirappalli and transfer the same to the file of the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.09.2022 as per the Christian Rites and Customs at Manapparai, MSK Mahal. On 12.07.2023 they are blessed with a female child.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in I.D.O.P.No. 35 of 2025, on the file of the III Additional District Judge, Tiruchirappalli, seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits that his client is living in Madurai and she was taken care of by her parents.



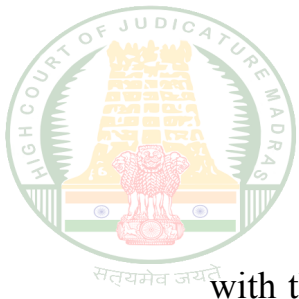
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The distance between the petitioner's residence to Tiruchirappalli, is around 120 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in I.D.O.P.No.35 of 2025 from the file of the III Additional District Judge, Tiruchirappalli, to the file of the Family Court, Madurai.

5. The learned counsel for the respondent entered appearance and submitted that he has no objection to transfer the case to Madurai. But, he seeks transfer the case to the Principal Sub Court, Madurai. He also seeks indulgence of this Court to dispense with the personal appearance of the respondent before the trial Court.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent 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



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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 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.



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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 four hours journey to reach the III Additional District Court, Tiruchirappalli, situated 120 kms away from her Domicile, namely, Madurai, incurring huge expense, this court inclines to allow the petition.

10. The learned III Additional District Judge, Tiruchirappalli, is hereby directed to transfer the entire records pertaining to the case, in I.D.O.P.No.35 of 2025, to the file of the learned District Judge, Family Court, Madurai, 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, Madurai, is directed to take the case on file, and dispose of the case as expeditiously as possible in accordance with law. The personal appearance of the respondent/husband is dispensed with before the Family Court, Madurai, except the material hearing and also the hearing dates insisted by the learned trial Judge.



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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 III Additional District Judge, Tiruchirappalli.
- 2.The District Judge, Family Court, Madurai.



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K.K. RAMAKRISHNAN, J.

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