



Tr.C.M.P.(MD)No.542 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.542 of 2024
and
C.M.P.(MD)No.12950 of 2024

Fathima Princiya Brindha

... Petitioner

Vs.

Antony Allwin Roy

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw and transfer the case in I.D.O.P.No.10 of 2024 on the file of the learned Principal District and Session Court, Thoothukudi to the file of the learned Subordinate Court, Tambaram.

For Petitioner : Mr.R.Aravindraj

For Respondent : Mr.D.S.Haroon Rasheed



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case from the file of the Principal District and Sessions Court, Thoothukudi, in I.D.O.P.No.10 of 2024 and transfer the same to the file of the Subordinate Court, Tambaram.

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 13.06.2019. It is not in dispute that the respondent has filed a petition in I.D.O.P.No.10 of 2024 seeking divorce and the same is pending on the file of the Principal District and Sessions Court, Thoothukudi.

4. The learned counsel appearing for the petitioner would submit that the petitioner has already initiated proceedings under the Domestic Violence Act in D.V.C.No.28 of 2024 and the same is pending on the file of the Judicial Magistrate, Pallavaram. He would further submit that the



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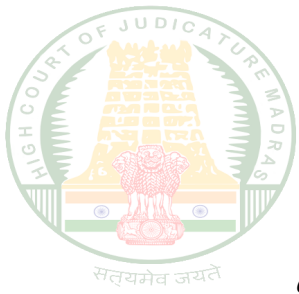
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petitioner is residing at Chennai and is having 4 years old child and she finds it difficult to travel to Thoothukudi to attend the hearings.

5. The learned counsel appearing for the respondent would submit that the respondent is residing at Thoothukudi and working at Coimbatore and he has been facing threats from the petitioner's family and hence, the case may be transferred to any place in between Thoothukudi and Chennai. But the fact remains that the petitioner is having 4 years old child and she has to take care of the child.

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

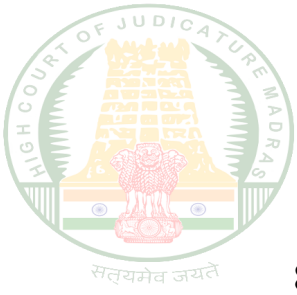


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are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and 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 submissions made on either side, this Court is of the view that the case in I.D.O.P.No.10 of 2024 is ordered to be withdrawn from the file of the Principal District and Sessions Court, Thoothukudi, and transfer the same to the file of the Principal District Court, Chengalpattu. Accordingly, the learned Principal District and Sessions Judge, Thoothukudi, is hereby directed to transmit the entire records in I.D.O.P.No.10 of 2024 to the file of the Principal District Court, Chengalpattu, 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 Principal District Judge, Chengalpattu, is directed to take up the petition on file and proceed in accordance with law.



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

28.01.2025

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

To

1. The Principal District and Sessions Judge,
Thoothukudi.
2. The Principal District Judge,
Chengalpattu.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.542 of 2024
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Dated : 28.01.2025