



Tr.C.M.P.(MD)No.512 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.01.2025

Pronounced on : 31.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.512 of 2024

and

C.M.P.(MD)No.12179 of 2024

Nandhini

... Petitioner

Vs.

Dinesh

... Respondent

Prayer : The Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw H.M.O.P.No.210 of 2024 on the file of the Subordinate Court, Tambaram and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.S.Poornachandran

For Respondent : Mr.K.Neelamegam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



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case on the file of the Subordinate Court, Tambaram, in H.M.O.P.No.210 of 2024 and transfer the same to the file of the Family Court, Madurai.

2. Heard the learned counsel on either side.

3. It is evident from the records that marriage between the petitioner and the respondent was solemnized on 14.02.2022. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.210 of 2024 seeking divorce and the same is pending on the file of the Subordinate Court, Tambaram. It is also not in dispute that the petitioner has filed a maintenance case in M.C.No.159 of 2024 and the same is pending on the file of the Family Court, Madurai and that the proceedings initiated under the Domestic Violence Act in D.V.C.No.92 of 2024 is pending on the file of the Additional Mahila Court, Madurai.

4. The learned counsel appearing for the petitioner would submit that the petitioner is having 1½ years old baby and residing at Anupanadi, Madurai District and she finds it difficult to travel to Tambaram to attend the hearings.



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5. The learned counsel appearing for the respondent would submit that they are having serious objections to transfer the case as there were threats.

6. But the learned counsel appearing for the petitioner would submit that the petitioner lodged a complaint and on that basis, FIR came to be registered in Crime No.238 of 2024 on the file of the All Women Police Station, Nagamalai Pudukottai for the offences under Sections 294(b), 323, 341 and 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and that the respondent and his family members obtained anticipatory bail in CrI.O.P.(MD)No.9606 of 2024.

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 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



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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. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Madurai and maintenance case and DVC are pending before the Madurai Courts, this Court is of the view that the case in H.M.O.P.No.210 of 2024 is ordered to be withdrawn from the file of the **Subordinate Court, Tambaram**, and transfer the same to the file of the **Family Court, Madurai**. Accordingly, the learned Subordinate Judge, Tambaram, is hereby directed to transmit the entire records in H.M.O.P.No.210 of 2024 to the file of the Family Court,



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Madurai, 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 Judge of Family Court, Madurai, is directed to take up the petition on file and proceed in accordance with law.

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

31.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
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To

1. The Subordinate Judge,
Tambaram.
2. The Judge, Family Court,
Madurai.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Tr.C.M.P.(MD)No.512 of 2024
and
C.M.P.(MD)No.12179 of 2024

Dated : 31.01.2025