



Tr.C.M.P.(MD)No.534 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 21.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.534 of 2024
and
C.M.P.(MD)No.12684 of 2024

B.Gayathri

... Petitioner

Vs.

N.S.R.Ganesh Babu

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.1360 of 2023 from the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Musiri, Tiruchirappalli District, for disposal of the same on merits in accordance with law.

For Petitioner : Mr.D.Boopal

For Respondent : Mr.P.Gunasekaran

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Madurai, in H.M.O.P.No.1360 of



Tr.C.M.P.(MD)No.534 of 2024

WEB COPY

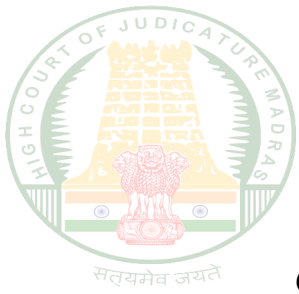
2023 and transfer the same to the file of the Subordinate Court, Musiri,
Tiruchirappalli District.

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 12.03.2020. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.1360 of 2023 seeking divorce and the same is pending on the file of the Family Court, Madurai.

4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Musiri, Trichy District and finds it difficult to travel to Madurai to attend the hearings.

5. The learned counsel appearing for the respondent would submit that the petitioner is managing a hospital owned by her father and that brother-in-law of the petitioner is a practicing advocate in Musiri and Trichy Court.



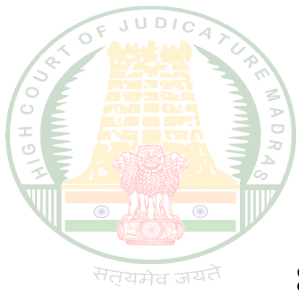
Tr.C.M.P.(MD)No.534 of 2024

WEB COPY

6. The learned counsel appearing for the petitioner would submit that the case may be transferred to the Family Court, Trichy.

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 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.”



Tr.C.M.P.(MD)No.534 of 2024

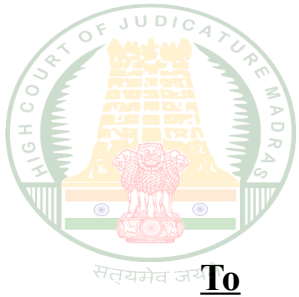
WEB COPY

8. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Musiri, Trichy District and the submission made on either side, this Court is of the view that the case in H.M.O.P.No.1360 of 2023 is ordered to be withdrawn from the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Trichy. Accordingly, the learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in H.M.O.P.No.1360 of 2023 to the file of the Family Court, Trichy, 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, Family Court, Trichy, is directed to take up the petition on file and proceed in accordance with law.

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

21.01.2025

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



Tr.C.M.P.(MD)No.534 of 2024

To
WEB COPY

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



WEB COPY



Tr.C.M.P.(MD)No.534 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.534 of 2024
and
C.M.P.(MD)No.12684 of 2024

Dated : 21.01.2025