



Tr.C.M.P.(MD)No.575 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.575 of 2024
and
C.M.P.(MD)No.13520 of 2024

T.Deeparani

... Petitioner

Vs.

L.Aswin

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw I.D.O.P.No.179 of 2024 before the Principal District Judge, Tirunelveli and transfer the same to Principal District Judge, Tenkasi.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.Ananth C.Rajesh

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Principal District Court, Tirunelveli, in I.D.O.P.No.



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179 of 2024 and transfer the same to the file of the Principal District Court, Tenkasi.

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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 24.01.2024. It is not in dispute that the respondent has filed a petition in I.D.O.P.No.179 of 2024 seeking divorce and the same is pending on the file of the Principal District Court, Tirunelveli.

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

5. The learned counsel appearing for the respondent would submit that the petitioner has completely suppressed that she is a practicing Doctor and that the petitioner's father, who is also a Doctor, is owning a nursing home at Vasudevanallur.



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6. It is pertinent to note that the respondent has raised some allegations against the petitioner in the counter statement, for which, the petitioner has filed a rejoinder affidavit denying the said allegations and also raising allegations against the respondent. In the present case, we are not concerned with the merits of the divorce grounds.

7. Admittedly, the petitioner is residing at Vasudevanallur. Even the stand of the respondent is that the petitioner is practicing at Vasudevanallur and is looking after the hospital run by her father. Whatever it is, the petitioner is residing at Vasudevanallur and the respondent, who is a Doctor, has filed the above petition mainly on the ground that the marriage was not consummated.

8. 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 :



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“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.”

9. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Vasudevanallur, this Court is of the view that the case in I.D.O.P.No.179 of 2024 is ordered to be withdrawn from the file of the Principal District Court, Tirunelveli, and transfer the same to the file of the Principal District Court, Tenkasi. Accordingly, the learned Principal District Judge, Tirunelveli, is hereby directed to transmit the entire records in I.D.O.P.No.179 of 2024 to the file of the Principal District Court, Tenkasi, within a period of 10 days from



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the date of receipt of a copy of this order and on receiving the case bundle, the learned Principal District Judge, Tenkasi, is directed to take up the petition on file and proceed in accordance with law.

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

20.01.2025

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

To

1. The Principal District Judge,
Tirunelveli.
2. The Principal District Judge,
Tenkasi.
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.575 of 2024
and
C.M.P.(MD)No.13520 of 2024

Dated : 20.01.2025