

Tr.C.M.P(MD).No.626 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.626 of 2024
and
C.M.P(MD)No.14984 of 2024

M.Ramya : Petitioner

Vs.

V.Hari Krishnan : Respondent

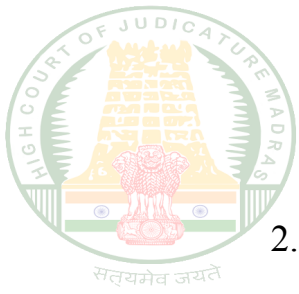
PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.974 of 2023 on the file of the Subordinate Court, Ambattur and transfer the same to the file of the Principal Subordinate Court, Trichy.

For Petitioner : Mr.G.Sujeeth

For Respondent : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.974 of 2023 on the file of the Subordinate Court, Ambattur and transfer the same to the file of the Principal Subordinate Court, Trichy.



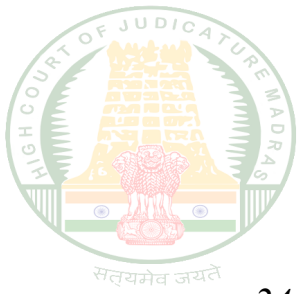
Tr.C.M.P(MD).No.626 of 2024

2. It evident from the records that the marriage between the parties was solemnized on 12.06.2017. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.974 of 2023, seeking divorce and the same is pending on the file of the Subordinate Court, Ambattur and that subsequently, the petitioner has filed a petition in H.M.O.P.No.174 of 2023, seeking restitution of conjugal rights and the same is pending on the file of the Principal Subordinate Court, Trichy.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Trichy and finds it very difficult to travel from Trichy to Ambattur to attend the hearings.

4. Despite receipt of notice the respondent has not chosen to enter into appearance.

5. 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 :



Tr.C.M.P(MD).No.626 of 2024

WEB COPY

“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.”

6. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Trichy and also the fact that the petitioner's restitution of conjugal rights petition in H.M.O.P.No.174 of 2023, is pending before the Principal Subordinate Court, Trichy, this Court is of the view that the petition in H.M.O.P.No.974 of 2023, is ordered to be withdrawn from the file of the Subordinate Court, Ambattur and transfer the same to the file of the Principal Subordinate Court, Trichy. Accordingly, the learned Sub Judge, Ambattur, is hereby directed to transmit the entire records in H.M.O.P.No.974 of 2023 to the file of the Principal Subordinate Court, Trichy,



Tr.C.M.P(MD).No.626 of 2024

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 Sub Judge, Trichy, is directed to take up the petition on file and proceed in accordance with law.

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

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.The Sub Judge, Ambattur.
- 2.The Principal Sub Judge, Trichy.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.626 of 2024

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.626 of 2024
and
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