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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.615 of 2024

and

C.M.P.(MD)No.4771 of 2024

Aathi Mahalakshmi

.. Petitioner/Respondent

Vs.

Saravanan

.. Respondent/petitioner

Prayer : Transfer Civil Miscellaneous Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.54 of 2024 on the file of the Family Court, Ramanathapuram District, and transfer the same to the file of the Family Court, thoothukudi District.

For Petitioner : M/s.Devaraj Mahesh

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petitions have been filed to withdraw the H.M.O.P.No.54 of 2024 on the file of the Family Court, Ramanathapuram District, and transfer the same to the Family Court, Thoothukudi District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.02.2015 at Ramanathapuram Sri Valividu Murugan Temple, as per the Hindu Rites and Customs and no issues to them.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated a proceeding in H.M.O.P.No.54 of 2024, on the file of the Family Court at Ramanathapuram, seeking divorce. Thereafter, petitioner/wife filed a petition in H.M.O.P.No.242 of 2024 before the Family Court at Thoothukudi District, seeking Restitution of Conjugal Rights.



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4. The learned counsel appearing for the petitioner/wife submits that now she is living with her age old parents and also under the care and custody of them. The distance between the petitioner's village to Ramanathapuram is around 270 Kms, and being a lady, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks to allow this petition as prayed for.

5. Even though notice sent to the sole respondent returned with an endorsement 'vacated', this Court ordered notice to the counsel, who is appearing for the respondent before the lower Court to verify the status of the case and the same was served. Hence, this Court called a report from the Family Court, Ramanathapuram relating to the appearance of the parties and the same was reached by this Court. From that report, this Court found that the respondent was appeared through the counsel. In the present petition, there was no representation for the respondent. Recording the same, this Court passed the order on merits.



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6. Heard the learned counsel appearing for the learned counsel for the petitioner and perused the materials available on records.

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 dealt with the position generally, that it is the wife's convenience, which must be looked into 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.”



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8. It is also well settled proposition of law that whenever a transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall be given preference.

9. Considering the overall facts and circumstances of the case and also taking into account of the inconvenience expressed by the petitioner in attending every court hearing by travelling an 8 hour journey to reach the Family Court at Ramanathapuram situated 270 km away from her domicile, incurring huge expense, this court inclines to allow the petition.

10. The learned District Judge, Family Court at Ramanathapuram, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No.54 of 2024 to the file of the learned District Judge, Family Court, Thoothukudi District, within a period of **four** weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned District Judge, Family Court, Thoothukudi District, is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



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11. Accordingly, these Transfer Civil Miscellaneous Petition stand allowed. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.06.2025

Index :Yes/No
Speaking Order :Yes/No
Neutral Citation :Yes/No
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K.K. RAMAKRISHNAN, J.

dss

To

- 1.The District Judge, Family Court, Ramanathapuram Distrcit.
- 2.The District Judge, Family Court, Thoothukudi District.

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