



Tr.C.M.P.(MD)No.692 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.692 of 2024
and
C.M.P.(MD)No.16455 of 2024

Sri Muthu Seethala

... Petitioner

Vs.

Santhana Aravind

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.264 of 2024 on the file of the Family Court, Thoothukudi, Thoothukudi District and transfer the same to the Family Court, Srivilliputhur, Virudhunagar District and club the same with H.M.O.P.No.112 of 2024.

For Petitioner : Mr.B.Jeyakumar

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Thoothukudi, in H.M.O.P.No.264 of



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2024 and transfer the same to the file of the Family Court, Srivilliputhur and club the same with H.M.O.P.No.112 of 2024.

2. Despite receipt of Court notice, the respondent has not chosen to enter into appearance.

3. Heard the learned counsel appearing for the petitioner.

4. It is evident from the records that marriage between the petitioner and the respondent was solemnized on 09.06.2022. It is not in dispute that the petitioner has filed a petition in H.M.O.P.No.112 of 2024 seeking divorce and the same is pending on the file of the Family Court, Srivilliputhur and that subsequently the respondent has filed a petition in H.M.O.P.No.264 of 2024 seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Thoothukudi.

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Srivilliputhur, Virudhunagar District and finds it difficult to travel to Thoothukudi to attend the hearings.



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6. 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.”

7. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Srivilliputhur and the



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petitioner's petition for divorce is pending before the Family Court, Srivilliputhur, this Court is of the view that the case in H.M.O.P.No.264 of 2024 is ordered to be withdrawn from the file of the Family Court, Thoothukudi, and transfer the same to the file of the Family Court, Srivilliputhur. Accordingly, the learned Judge, Family Court, Thoothukudi, is hereby directed to transmit the entire records in H.M.O.P.No.264 of 2024 to the file of the Family Court, Srivilliputhur, 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, Srivilliputhur, is directed to take up the petition on file and proceed in accordance with law.

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

23.01.2025

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



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To

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1. The Judge,
Family Court, Thoothukudi.
2. The Judge,
Family Court, Srivilliputhur.
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.692 of 2024
and
C.M.P.(MD)No.16455 of 2024

Dated : 23.01.2025