



Tr.C.M.P.(MD)No.705 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.705 of 2024
and
C.M.P.(MD)No.16951 of 2024

V.Vinesh

... Petitioner

Vs.

V.Cimla

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in I.D.O.P.No.604 of 2023 on the file of the Principal District Court (Family Court), Tiruppur and transfer the same to the District Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.A.Arun Ramnath

For Respondent : Mr.M.R.Pandurangan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



Tr.C.M.P.(MD)No.705 of 2024

case on the file of the Principal District Court, Tiruppur, in I.D.O.P.No.604 of 2023 and transfer the same to the file of the District Court, Nagercoil, Kanyakumari 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 25.01.2021. It is not in dispute that the respondent has filed a petition in I.D.O.P.No.604 of 2023 seeking restitution of conjugal rights and the same is pending on the file of the Principal District Court, Tiruppur.

4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Vilavancode Taluk, Kanyakumari District and finds it difficult to travel from Kanyakumari to Tiruppur to attend the hearings.

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



Tr.C.M.P.(MD)No.705 of 2024

WEB COPY

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.”

6. As per the dictum laid down by the Hon'ble Supreme Court, the place of the wife has to be preferred.

7. Considering the above facts and circumstances and in the absence



Tr.C.M.P.(MD)No.705 of 2024

WEB COPY

of any valid reason or ground to transfer the case, this Court is not inclined to grant the relief claimed.

8. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner's personal appearance before the trial Court may be dispensed with.

9. In the result, the Transfer Civil Miscellaneous Petition stands dismissed. The petitioner is at liberty to move the concerned Court for dispense with the personal appearance and on such application, the trial Court is directed to consider the same on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

08.01.2025

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

To

1. The Principal District Judge,
Tiruppur.



Tr.C.M.P.(MD)No.705 of 2024

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P.(MD)No.705 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.705 of 2024
and
C.M.P.(MD)No.16951 of 2024

Dated : 08.01.2025