



Tr.C.M.P(MD).No.720 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.720 of 2024
and
C.M.P(MD)No.17347 of 2024

Sangeetha : Petitioner

Vs.

C.Veeramani : Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.264 of 2023 pending on the file of the Sub Court, Thirumangalam, Madurai District and transfer the same to the Sub Court, Virudhunagar, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.K.R.Bharathi Kannan

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.264 of 2023 pending on the file of the Sub Court, Thirumangalam and transfer the same to the Sub Court, Virudhunagar, Virudhunagar District.



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2. It is evident from the records that the marriage between the parties was solemnized on 08.06.2016. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.264 of 2023, seeking divorce and the same is pending on the file of the Sub Court, Thirumangalam, Madurai District. It is also not in dispute that the petitioner has laid a maintenance case in M.C.No.6 of 2024 and the same is pending on the file of the Judicial Magistrate Court No.II, Virudhunagar.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Virudhunagar and finds it very difficult to travel to Madurai to attend all the hearings.

4.The learned counsel for the respondent would submit that the petitioner is now residing at Thirumangalam and hence, they are objecting to transfer the case to Virudhunagar.

5.But as rightly pointed out by the learned counsel for the petitioner, the respondent in the HMOP has shown that the wife/petitioner herein is residing at Allampatti, Virudhunagar District.



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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 facts and circumstances of the case and taking note of the fact that the petitioner is residing at Virudhunagar District, this Court is of the view that the case in H.M.O.P.No.264 of 2023, is ordered to be withdrawn from the file of the Sub Court, Thirumangalam, Madurai and transfer the same



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to the file of the Sub Court, Virudhunagar, Virudhunagar District. Accordingly, the learned Sub Judge, Thirumangalam, is hereby directed to transmit the entire records in H.M.O.P. No.264 of 2023 to the file of the Sub Court, Virudhunagar, 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 Sub Judge, Virudhunagar, 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.

22.01.2025

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

To

- 1.The Sub Judge, Sub Court,
Thirumangalam, Madurai.
- 2.The Sub Judge, Sub Court,
Virudhunagar, Virudhunagar District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
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