



Tr.C.M.P(MD).No.739 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.739 of 2024
and
C.M.P(MD)No.17671 of 2024

Kanagavalli

: Petitioner

Vs.

Karthikeyan

: 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.148 of 2024 on the file of the Sub Court, Virudhunagar District and transfer the same to the Sub Court, Veda sandhur, Dindigul District.

For Petitioner : Mr.K.Dinesh

For Respondent : Mr.M.Jothi Basu

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.148 of 2024 on the file of the Sub Court, Virudhunagar District and transfer the same to the Sub Court, Veda sandhur, Dindigul District.



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2. It is evident from the records that the marriage between the parties was solemnized on 11.06.2017 and due to their wed-lock, they were blessed with two female children aged about six years and four years; that the elder child is under the care and custody of the respondent and the second child is under the care and custody of the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Vendasandhur, District and hence, it is very difficult to travel to Virudhunagar to attend all the hearings along with her four year old female child and that therefore, she was constrained to file the present petition.

4.The learned counsel for the respondent would submit that the respondent is also taking care of his female child and the case may be transferred to any other place in between Vendasandur and Virudhunagar.

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 :



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“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 also fact that the petitioner is residing at Vedasandhur and she is taking care of her four years female child, this Court is of the view that the case in H.M.O.P.No.148 of 2024, is ordered to be withdrawn from the file of the Sub Court, Virudhunagar and transfer the same to the file of the Sub Court, Vedansandur. Accordingly, the learned Subordinate Judge, Virudhunagar, is hereby directed to transmit the entire records in H.M.O.P.No.148 of 2024 to the file of the Sub Court, Vedansandur, within a period of 10 days from the date of receipt of a



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copy of this order and on receiving the case bundle, the learned Subordinate Judge, Veda sandhur, 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.

02.01.2025

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

To

- 1.The Sub Judge, Virudhunagar.
- 2.The Sub Judge, Veda chandur
- 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
Tr.C.M.P (MD).No.739 of 2024
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