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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

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THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.775 of 2024

and

C.M.P.(MD)No.18762 of 2024

P.Manimegalai

.. Petitioner

Vs.

Gurubaran

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.177 of 2023 from the file of the Family Court, Dindigul and to transfer the same to the Sub Court, Virudhachalam, or any other competent Court in Cuddalore within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.M.Suresh



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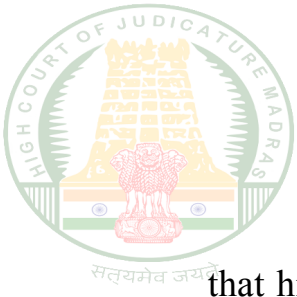
ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.177 of 2023 from the file of the Family Court, Dindigul and to transfer the same to the Sub Court, Virudhachalam, or any other competent Court in Cuddalore within the time stipulated by this Court.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.05.2017 at Arulmigu Sri Balathandayuthabani Swami Pathayathirai Hall, Rettiyarsathiram, West Taluk in Dindigul District as per the Hindu Rites and Customs.

3. Due to some matrimonial discord, the parties have separated. Therefore, the respondent/husband initiated the proceeding in H.M.O.P.No. 177 of 2023, on the file of the Family Court, Dindigul, seeking divorce.

4. The learned counsel appearing for the petitioner/wife submits



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that his client is living in Droupadi Amman temple Street, Mangalampettai Village, Virudhachalam Taluk, Cuddalore District and working as a Teacher at the Government Higher Secondary School, Edachithur in Cuddalore District. The distance between the petitioner's residence to Dindigul, is around 295 Kms, and being a lady and a working person, she finds it difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.177 of 2023 from the file of the Family Court, Dindigul, to the file of the Sub Court, Virudhachalam.

5. The learned counsel for the respondent entered appearance and submitted that he has no objection to transfer the case. But, he seeks direction to complete the trial process in both the cases within a prescribed time.

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



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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 five hours journey to reach the Family Court, Dindigul, situated 295 kms away from her Domicile, namely, Mangalampettai Village, Virudhachalam Taluk, Cuddalore District, incurring huge expense, this court inclines to allow the petition.

10. The learned District Judge, Family Court, Dindigul, is hereby directed to transfer the entire records pertaining to the case, in H.M.O.P.No. 177 of 2023, to the file of the learned Subordinate Judge, Virudhachalam, 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 learned Subordinate Judge, Virudhachalam, is directed to take the case on file, try the same and



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dispose of the case as expeditiously as possible in accordance with law.

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

28.07.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. The District Judge, Family Court, Dindigul.
2. The Subordinate Judge, Virudhachalam.



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K.K. RAMAKRISHNAN, J.

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