



*Tr.C.M.P(MD)No.12 of 2026
and C.M.P(MD)No.286 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 18.03.2026

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P(MD) No.12 of 2026

and

C.M.P(MD) No. 286 of 2026

B.Regal

: Petitioner

Vs

R.Nagarajan

: Respondent

Prayer in Tr.C.M.P(MD) No. 12 of 2026 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.1692 of 2025 from the file of the Family Court, Madurai, and transfer the same to the Family court, Sivagangai.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.M.Jerin Mathew

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.1692 of 2025 from the file of the Family Court, Madurai, and transfer the same to the Family court, Sivagangai.



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2. It is not in dispute that the marriage between the parties was solemnized on 17.09.2015 and that subsequently, there arose some misunderstanding between them and they are living separately.

3.The learned counsel appearing for the petitioner would submit that the respondent has filed a petition in H.M.O.P.No.1692 of 2025, before the Family Court, Madurai, seeking restitution of conjugal rights. He would further submit that the petitioner is residing at Sivagangai along with her five years old son and finds it very difficult to travel to Madurai to attend the Court hearings.

4.The learned counsel appearing for the respondent would submit that the respondent is ready to live with the petitioner and that the matter may be referred to mediation.

5. The learned counsel for the petitioner would submit that even before the trial Court, the matter was referred to mediation and since the petitioner was not willing, the case was returned to the concerned Court.



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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 Sivagangai, this Court is inclined



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to allow this petition. Accordingly, the petition in H.M.O.P.No.1692 of 2025, is ordered to be withdrawn from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Sivagangai. The learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in H.M.O.P.No.1692 of 2025 to the file of the Family Court, Sivagangai, within a period of 10 days from the date of receipt of copy of this order and on receiving the case bundle, the learned Judge, Family Court, Sivagangai, 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 is allowed. The respondent is at liberty to move the Family Court, Sivagangai for dispensation of personal appearance and upon such an application being filed, the learned trial Judge is directed to consider the same on its merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

18.03.2026

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



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To

- 1.The Family Court, Madurai.
- 2.The Family court, Sivagangai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR.J.,

das

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