

Tr.C.M.P(MD).No.29 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.29 of 2026
and
C.M.P(MD)No.514 of 2026

M.Farahath Zabeen

: Petitioner

Vs

B.Ajeex Bhasha

: Respondent

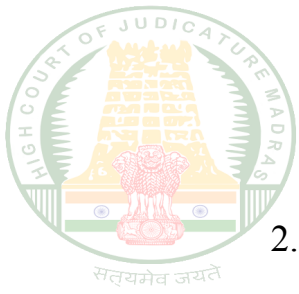
Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.93 of 2025 from the file of the Family Court, Madurai and transfer the same to the Family Court, Kumbakonam, Thanjavur District.

For Petitioner : MsV.Muthu Lakshmi

For Respondent : Ms.P.Subharani

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.93 of 2025 from the file of the Family Court, Madurai and transfer the same to the Family Court, Kumbakonam, Thanjavur District.



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2. It is not in dispute that the marriage between the parties was solemnized on 28.09.2014 as per Mohammedan rites and customs and the marriage was registered on 07.10.2024 and due to their wed-lock, they were blessed with a male child and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is also not in dispute that the respondent has filed a suit in O.S.No.93 of 2025, seeking divorce and the same is pending on the file of the Family Court, Madurai and that the petitioner has laid a maintenance claim in M.C.No.37 of 2025 on the file of the Chief Judicial Magistrate Court, Thanjavur at Kumbakonam. He would submit that the petitioner is residing at Kumbakonam, Thanjavur District along with her child and finds it very difficult to travel to Madurai along with her child to attend all the hearings.

4. The learned counsel for the respondent would submit that the petitioner has not assigned any valid reason or ground for transferring the case and that therefore, the respondent is objecting to transfer.

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



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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 Thanjavur , this Court is inclined to allow this petition. Accordingly, the suit in O.S.No.93 of 2025, is ordered to be withdrawn from the file of the Family Court, Madurai District and transfer the same to the Family Court, Kumbakonam, Thanjavur. The learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in



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O.S.No.93 of 2025 to the file of the Family Court, Kumbakonam, Thanjavur, 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 Judge, Family Court, Kumbakonam, Thanjavur, 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.

12.06.2026

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



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To

- 1.The Judge, Family Court, Kumbakonam,
Thanjavur District.
- 2.The Judge, Family Court,
Madurai 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
Tr.C.M.P (MD).No.29 of 2026
and
C.M.P(MD)No.514 of 2026

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