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Tr.C.M.P(MD).No.32 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.32 of 2026
and
C.M.P(MD)No.538 of 2026

K.Prabavathi

: Petitioner

Vs

K.Karuppiyah

: Respondent

Prayer in Tr.C.M.P(MD) No. 32 of 2026 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case in H.M.O.P.No.116 of 2025 from the file of the Family Court, Theni, to the Sub Court, Aruppukkottai, Virudhunagar District.

For Petitioner : Mr.B.Senthil Kumar.

For Respondent : Mr.S.Prabhu

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw and transfer the case in H.M.O.P.No.116 of 2025 from the file of the Family Court, Theni, to the Sub Court, Aruppukkottai, Virudhunagar District.



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2. It is not in dispute that the marriage between the parties was solemnized on 21.10.2009 and due to their wed-lock, they were blessed with a male child by name K.Sarankumar and a female child namely, K.Mahima and that subsequently, there arose some misunderstanding between them and they are living separately. It is not in dispute that the first respondent has filed a divorce petition in H.M.O.P.No.116 of 2025, and the same is pending on the file of the Family Court, Theni.

3.The learned counsel appearing for the petitioner would submit that the petitioner has filed a maintenance petition before the Court of Judicial Magistrate, Kariyapatti and the same is yet to be numbered. He would further submit that the petitioner is residing at Kariyapatti along with her two children and finds it very difficult to travel to Theni to attend all the hearings.

4. The learned counsel appearing for the respondent would submit that they are having objections, but they have not specified any serious objections.

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.”

6.The learned counsel for the respondent would submit that the personal appearance may be dispensed with before the Court below.

7.Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Kariyapatti along with two children, this Court is inclined to allow this petition. Accordingly, the petition in



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H.M.O.P.No.116 of 2025, is ordered to be withdrawn from the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Aruppukkottai, Virudhunagar District. The learned Judge, Family Court, Theni, is hereby directed to transmit the entire records in H.M.O.P.No.116 of 2025 to the file of the Sub Court, Aruppukkottai, Virudhunagar District, 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, Aruppukkottai, Virudhunagar District, 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. The respondent is at liberty to move the Sub Court, Aruppukkottai, Virudhunagar District, 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.

25.03.2026

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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To

- 1.The Family Court, Theni.
- 2.The Sub Court, Aruppukkottai,
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
Tr.C.M.P (MD).No.32 of 2026
and
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