



Tr.C.M.P.(MD)No.28 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.28 of 2026
and
C.M.P.(MD)No.511 of 2026

J.JebaJeyantha

... Petitioner/
Respondent

Vs.

S.Thomas

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw I.D.O.P.No.228 of 2025 on the file of the Additional Principal Family Judge, Coimbatore and to transfer the same to the Family Court at Tirunelveli.

For Petitioner : M/s.A.Amala

For Respondent : Mr.B.Santhanam Rajesh Kumar



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.228 of 2025 on the file of the Additional Principal Family Court, Coimbatore, and transfer the same to the file of the Family Court, Tirunelveli.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 28.12.2023 as per the Christian Rites and Customs and that subsequently there arose some misunderstanding and they are living separately. It is also not in dispute that the respondent filed a petition in I.D.O.P.No.228 of 2025 seeking divorce and the same is pending on the file of the Additional Principal Family Court, Coimbatore and that the petitioner has filed a petition in I.D.O.P.No.350 of 2025 seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Tirunelveli.



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4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Palayamkottai, Tirunelveli District and finds it difficult to travel to Coimbatore to attend the hearings.

5. The learned counsel appearing for the respondent would submit that the respondent is working in a private company and he finds it difficult to travel to Tirunelveli nearly 350 kms to attend the hearings.

6. The mere contention that the respondent is required to travel nearly 350 kilometres to attend the Court at Tirunelveli cannot, by itself, constitute a valid ground to reject the transfer petition filed by the petitioner-wife.

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 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.”

8. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Tirunelveli, this Court is of the view that the case in I.D.O.P.No.228 of 2025 is ordered to be withdrawn from the file of the Additional Principal Family Court, Coimbatore, and transfer the same to the file of the Family Court, Tirunelveli. Accordingly, the learned Additional Principal Family Judge, Coimbatore, is hereby directed to transmit the entire records in I.D.O.P.No. 228 of 2025 to the file of the Family Court, Tirunelveli, within a period of 10 days from the date of receipt of a copy of this order and on receiving



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the case bundle, the learned Judge, Family Court, Tirunelveli, is directed to take up the petition on file and proceed in accordance with law.

9. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. The respondent is at liberty to move the Family Court, Tirunelveli for dispense with the personal appearance and on such application being filed, the learned Judge is directed to consider the same on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

10.04.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Additional Principal Family Judge,
Coimbatore.
2. The Judge,
Family Court,
Tirunelveli.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.28 of 2026
and
C.M.P.(MD)No.511 of 2026

Dated : 10.04.2026