

Tr.C.M.P(MD).No.48 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.48 of 2026
and
C.M.P(MD)No.927 of 2026

Priyadharshini

: Petitioner

Vs

Karthikeyan

: Respondent

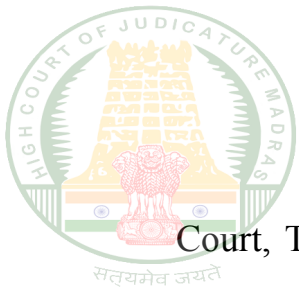
Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.554 of 2025 from the file of the Family Court, Theni and transfer the same to the Family Court, Madurai and to be tried along with H.M.O.P.No.1563 of 2025 pending on the file of the Family Court, Madurai.

For Petitioner : Mr.R.Babu Jaganath,

For Respondent : Mr.K.Kumaravel.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.554 of 2025 from the file of the Family



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Court, Theni and transfer the same to the Family Court, Madurai and to be tried along with H.M.O.P.No.1563 of 2025 pending on the file of the Family Court, Madurai.

2. It is not in dispute that the marriage between the parties was solemnized on 17.09.2023 as per Hindu rites and customs and due to their wed-lock, they were blessed with one female child and that subsequently, there arose some misunderstanding between them and that they are living separately. It is also not in dispute that the petitioner has filed a petition in H.M.O.P.No.1563 of 2025, seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Madurai and thereafter, the respondent filed a similar petition for restitution of conjugal rights and the same is pending in H.M.O.P.No.554 of 2025 on the file of the Family Court, Theni.

3. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Madurai along with her child and finds it very difficult to travel to Theni to attend all the hearings.



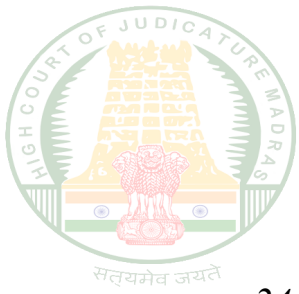
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4. The learned counsel appearing for the respondent would submit that the respondent alone filed the petition for restitution of conjugal rights and after coming to know about the same, the petitioner filed the present petition before the Family Court, Madurai.

5. When the matter was taken up earlier, considering the submissions made by the learned counsel on either side, this Court directed the Registry to call for a report from the Family Court, Madurai as to when the petition in H.M.O.P.No.1563 of 2025 came to be filed. In pursuance of the same, the learned Judge, Family Court, Madurai, submitted a report stating that the petitioner had filed the petition and that it was numbered on 13.10.2025, but without stating the date on which the petition came to be filed .

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 :



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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.”

7. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Madurai, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.554 of 2025, is ordered to be withdrawn from the file of the Family Court, Theni and transfer the same to the Family Court, Madurai. The learned Judge, Family Court, Theni, is hereby directed to transmit the entire records in H.M.O.P.No.554 of 2025 to the file of the Family Court, Madurai, 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, Madurai, is directed to take up the petition on file and proceed in accordance with law.



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WEB COPY 8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.
No costs.

08.06.2026

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

To

- 1.The Judge, Family Court, Madurai.
- 2.The Judge, Family Court, Theni.
- 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
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