



Tr.C.M.P.(MD)No.92 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.92 of 2024
and
C.M.P.(MD)No.1605 of 2024

Gandhimathi

... Petitioner/
Respondent

Vs.

Manikandan

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.92 of 2021 from the file of the Family Court, Salem to the file of the Family Court, Trichy and consequently direct the transferee court to deal with the said case in accordance with law.

For Petitioner : Mr.M.Pitchai Muthu

For Respondent : Mr.D.Venkatachalam



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case from the file of the Family Court, Salem, in H.M.O.P.No.92 of 2021 and transfer the same to the file of the Family Court, Trichy.

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 21.08.2015 as per the Hindu Rites and Customs and that subsequently there arose some misunderstanding and they are living separately. It is also not in dispute that the petitioner initiated proceedings under the Domestic Violence Act and the same is pending in D.V.C.No.27 of 2020 on the file of the Additional Mahila Court, Trichy and that the respondent filed a petition in H.M.O.P.No.92 of 2021 seeking divorce and the same is pending on the file of the Family Court, Salem.



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

5. The learned counsel appearing for the respondent would submit that after the lapse of three years, the present transfer petition came to be filed with an ulterior motive to harass the respondent and that the trial is in part-heard stage. But the learned counsel appearing for the petitioner would submit that trial is yet to be commenced and after filing of the chief examination affidavit, this Court has stayed the matter.

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



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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 above facts and circumstances and also taking note of the fact that the petitioner is residing at Manachanallur, Trichy District and also the fact that the respondent has been attending the proceedings in D.V.C.No.27 of 2020 before the Additional Mahila Court, Trichy, this Court is of the view that the case in H.M.O.P.No.92 of 2021 is ordered to be withdrawn from the file of the Family Court, Salem, and transfer the same to the file of the Family Court, Trichy. Accordingly, the learned Judge, Family Court, Salem, is hereby directed to transmit the entire records in H.M.O.P.No.92 of 2021 to the file of the Family Court, Trichy, within a period of 10 days from the date of receipt of a copy of this



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order and on receiving the case bundle, the learned Judge, Family Court, Trichy, 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. Consequently, connected Miscellaneous Petition is closed. No costs.

12.03.2026

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

To

1. The Judge,
Family Court,
Salem.
2. The Judge,
Family Court,
Trichy.
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.92 of 2024
and
C.M.P.(MD)No.1605 of 2024

Dated : 12.03.2026