



Tr.C.M.P(MD).No.93 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.93 of 2024
and
C.M.P(MD)No.1727 of 2024

Poornima : Petitioner

Vs.

R.Ramachokkalingam : Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.507 of 2023 pending on the file of the Family Court, Theni and transfer the same to the Family Court, Dindigul.

For Petitioner : Mr.S.Sarvagan Prabhu,

For Respondent : Mr.K.Guhan.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.507 of 2023 pending on the file of the Family Court, Theni and transfer the same to the Family Court, Dindigul.



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2. It is not in dispute that the marriage between the parties was solemnized on 12.09.2012 and admittedly, it is the second marriage for both the parties. It is also not in dispute that there arose some misunderstanding between them and they are are living separately.

3. It is also not in dispute that both parties filed a petition for divorce by mutual consent in H.M.O.P.No. 132 of 2023, and since there was no consensus, the same was dismissed as withdrawn. Subsequently, the respondent filed a petition in H.M.O.P.No.507 of 2023, seeking divorce and the same is pending on the file of the Family Court, Theni. The petitioner herein initiated the proceedings under the Domestic Violence Act and the same is pending on the file of the Additional Mahila Court, Dindigul in D.V.O.P.No.32 of 2023.

4. The learned counsel appearing for the petitioner would submit that the respondent has been attending the DVOP proceedings and that she is residing at Dindigul and she finds it difficult to travel to Theni to attend the hearings.

5. The learned counsel appearing for the respondent would submit that after dismissal of mutual consent petition, the petitioner and her men



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trespassed into the house of the respondent and took away the articles and hence, he was constrained to lodge the complaint. He would further submit that the respondent filed a petition seeking orders not to harass and the same is pending in CrI.O.P(MD)No.10817 of 2023. He would further submit that in the present transfer petition, this Court has passed an interim order that the enquiry process in both the cases ie., H.M.O.P.No.507 of 2023 and D.V.O.P.No.32 of 2023, shall kept in abeyance.

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 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



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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 respondent has been attending the DVOP proceedings at Dindigul, and also taking note of the fact that the petitioner is residing at Dindigul, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.507 of 2023, is ordered to be withdrawn from the file of the Family Court, Theni and transfer the same to the file of the Family Court, Dindigul. The learned Judge, Family Court, Theni, is hereby directed to transmit the entire records in H.M.O.P.No.507 of 2023 to the file of the Family Court, Dindigul, within a period of 10 days from the date of receipt of copy of this order and on receiving the case bundle, the learned Judge, Family Court, Dindigul, is directed to take up the petition on file and proceed in accordance with law.

8. Considering the fact that there existed matrimonial dispute between the parties for the past three years, the learned trial Judge is directed to dispose of the case expeditiously.



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9. With the above directions, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

No costs.

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

To

- 1.The Family Court, Theni.
- 2.The Family Court, Dindigul.
- 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.93 of 2024
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