



Tr.C.M.P.(MD)No.74 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.74 of 2026
and
C.M.P.(MD)Nos.1505 and 1506 of 2026

Safiya Fatima

... Petitioner/
Defendant

Vs.

M.Misfa Munir

... Respondent/
Plaintiff

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the divorce proceeding in O.S.No.39 of 2025 pending on the file of the Family Court, Dindigul and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

For Respondent : Mr.C.M.Arumugam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



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case from the file of the Family Court, Dindigul, in O.S.No.39 of 2025 and transfer the same to the file of the Family Court, Madurai.

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 16.07.2023 as per the Islamic Rites and Customs and that subsequently there arose some misunderstanding and they are living separately.

4. It is not in dispute that the respondent has earlier filed a suit in O.S.No.13 of 2025 seeking restitution of conjugal rights and since the petitioner has not turned up, an ex-parte decree came to be passed in favour of the respondent and that thereafter, the respondent filed the present suit in O.S.No.39 of 2025 seeking dissolution of marriage and the same is pending on the file of the Family Court, Dindigul.

5. The learned counsel appearing for the petitioner would submit



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that the petitioner is residing at Madurai and finds it difficult to travel to Dindigul to attend the hearings.

6. The learned counsel appearing for the respondent would submit that they are not having any objections to transfer the case but the trial Court may be directed to complete the trial within the time to be stipulated.

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 :

“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



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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 Madurai, this Court is of the view that the case in O.S.No.39 of 2025 is ordered to be withdrawn from the file of the Family Court, Dindigul, and transfer the same to the file of the Family Court, Madurai. Accordingly, the learned Judge, Family Court, Dindigul, is hereby directed to transmit the entire records in O.S.No.39 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.

9. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. Since the suit is of the year 2025, this Court is not inclined to issue any direction; however, in case of any other valid reason,



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the parties are at liberty to approach the trial Court for early disposal of the case. Consequently, connected Miscellaneous Petitions are closed. No costs.

27.03.2026

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

To

1. The Judge,
Family Court,
Dindigul.
2. The Judge,
Family Court,
Madurai.
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.74 of 2026
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