



Tr.C.M.P.(MD)No.63 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.03.2026

Pronounced on : 10.04.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.63 of 2026
and
C.M.P.(MD)Nos.1292 and 1294 of 2026

S.P.Navina

... Petitioner/
Respondent

Vs.

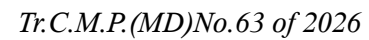
R.Maruthupandian

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.677 of 2025 pending on the file of the Family Court, Tiruchirappalli and transfer the same to the file of Family Court, Ariyalur.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

For Respondent : Mr.R.Narayanan



The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.677 of 2025 from the file of the Family Court, Tiruchirappalli and transfer the same to the file of the Family Court, Ariyalur.

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 09.03.2023 as per the Hindu Rites and Customs and that subsequently there arose some misunderstanding between them and they are living separately.

4. It is not in dispute that the petitioner has initiated proceedings under the Domestic Violence Act in D.V.C.No.22 of 2025 and the same is pending on the file of the Additional Mahila Court cum Judicial Magistrate, Ariyalur. It is also not in dispute that the respondent



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challenged the territorial jurisdiction of the Additional Mahila Court, Ariyalur in CrI.M.P.No.1808 of 2025 in D.V.C.No.22 of 2025 and the said petition was dismissed vide order dated 06.11.2025 and that the respondent preferred a criminal revision and the same is pending on the file of the Principal Seat of Madras High Court.

5. It is evident that the respondent filed a petition in H.M.O.P.No. 677 of 2025 seeking divorce and the same is pending on the file of the Family Court, Tiruchirappalli.

6. The learned counsel appearing for the petitioner would submit that the petitioner is presently residing at Ariyalur and finds it difficult to travel to Tiruchirappalli to attend the hearings and that therefore, she was constrained to file the above transfer petition.

7. The learned counsel appearing for the respondent would submit that the petitioner is residing in her sister's house at MIET, Navalpattu, Tiruchirappalli for some days and at some times, she is residing with her father at Door No.8, Puthukudiyana Theru, Puthuchathiram,



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Alamelupuram, Poondi (SO), Thanjavur, that the petitioner is employed in IT company, namely, Eli Lilly Services India Private Limited, Bengaluru and she was residing with the respondent lastly at Door No.303, Sri Balaji Residency, 1st Cross Koramangala, 8th Block, Bengaluru, that the petitioner is still working in Bengaluru, that the petitioner in an attempt to show that she is residing at Ariyalur has created and fabricated a rental agreement and produced before the DVC Court and it is a bogus one and that since the petitioner is not residing at Ariyalur, the petition in H.M.O.P.No.677 of 2025 may be transferred either to Perambalur or to Thanjavur.

8. The learned counsel appearing for the respondent has produced copies of the Aadhaar Cards of the petitioner and her father, wherein the address of the petitioner's father is shown as Ward No.2, Puthukudiyana Theru, Puthusathiram, Alamelupuram, Poondi, Thanjavur, while the address of the petitioner is shown as No.8, Puthukudiyana Street, Puthuchathiram, Alamelupuram, Thanjavur. The learned counsel has also produced Form No.16 and the Income Tax Returns submitted by the petitioner to the Income Tax Department for the assessment years 2024–2025 and 2025–2026, wherein the petitioner's address is reflected as No. 84, Gandhi Street, Ponmalaipatti, Tiruchirappalli–620004.



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9. No doubt, the learned counsel appearing for the petitioner produced the copy of the rental agreement alleged to have been entered into between the petitioner and one Thirumathi.Shanthini for leasing out a house to the petitioner, wherein, they have fixed the advance amount as Rs.50,000/- and monthly rental at Rs.7,000/- and commencing the tenancy from the date of the agreement i.e., on 01.07.2025.

10. It is pertinent to note that the learned Judicial Magistrate, Additional Mahila Court, Ariyalur, in CrI.M.P.No.1808 of 2025 in D.V.C.No.22 of 2025, filed by the respondent challenging the territorial jurisdiction of the said Court to entertain the D.V.C. complaint, by placing reliance on Section 27 of the Protection of Women from Domestic Violence Act, 2005—which provides that the Court of the Judicial Magistrate within whose local limits the aggrieved person permanently or temporarily resides or carries on business or is employed shall have jurisdiction to grant protection orders and other reliefs under the Act and to try offences thereunder—has held that even a temporary residence would suffice to confer jurisdiction and, on that reasoning, dismissed the said petition.



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11. At this juncture, it is necessary to refer the case of **N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha** reported in **2022 Live Law (SC) 627**, wherein, 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 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.”

12. In the case on hand, the petitioner has filed an affidavit stating



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that she is presently residing at Ariyalur and also produced the rental agreement.

13. The learned counsel appearing for the petitioner would submit that the petitioner had pursued her 10th and 12th standard studies at Arasunagar Matric Higher Secondary School, Ariyalur, and that her father was employed with Tamil Nadu Cements Corporation Limited, Ariyalur. However, as rightly pointed out by the learned counsel appearing for the respondent, the petitioner's father was admittedly relieved from service on 30.04.2018 and the petitioner had completed her 10th and 12th standards as early as in the years 2011 and 2013 respectively. The learned counsel appearing for the petitioner would nevertheless contend that the petitioner shifted her residence to Ariyalur only in July 2025 and, therefore, she is presently not in a position to produce any documentary proof of residence other than the rental agreement, and that she is also prepared to file an affidavit from her landlord in support of her claim of residence.

14. In view of the above facts and circumstances, and taking note of the specific stand of the petitioner that she is presently residing at Ariyalur



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and that her D.V.C. proceedings are pending before the Additional Mahila Court, Ariyalur, this Court is of the considered view that H.M.O.P.No.677 of 2025 is liable to be withdrawn from the file of the Family Court, Tiruchirappalli and transferred to the file of the Family Court, Ariyalur. Accordingly, the learned Judge, Family Court, Tiruchirappalli, is hereby directed to transmit the entire records in H.M.O.P.No.677 of 2025 to the file of the Family Court, Ariyalur, within a period of 10 days from the date of receipt of a copy of this order and upon receipt of the case records, the learned Judge, Family Court, Ariyalur, shall take the petition on file and proceed with the same in accordance with law.

15. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petitions are closed. No costs.

10.04.2026

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



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To

- 1.The Judge,
Family Court, Tiruchirappalli.
- 2.The Judge,
Family Court, Ariyalur.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Tr.C.M.P.(MD)No.63 of 2026
and
C.M.P.(MD)Nos.1292 and 1294 of 2026

Dated : 10.04.2026