



Tr.C.M.P(MD).No.77 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.77 of 2026
and
C.M.P(MD)No.1531 of 2026

S.Devaki

: Petitioner

Vs

R.Prashanth

: Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.460 of 2025 from the file of the Family Court, Theni, and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.B.Senthilkumar

For Respondent : Mr.S.Vikram

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.460 of 2025 from the file of the Family Court, Theni, and transfer the same to the Family Court, Madurai.



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2. It is evident from the records that the marriage between the parties was solemnized on 16.07.2025 as per Hindu Rites and customs and subsequently, there arose some misunderstanding between them and they are living separately.

3. The learned counsel for the petitioner would submit that within a month of the marriage, the petitioner lodged a police complaint against the respondent and based on the averments in that complaint, the respondent filed a petition under Section 12 of Hindu Marriage Act in H.M.O.P.No.460 of 2025, seeking declaration that the marriage is voidable and the same is pending on the file of the Family Court, Theni.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Madurai and finds it very difficult to travel to Theni to attend all the hearings.

5. The learned counsel for the respondent would submit that the respondent is facing threats from the petitioner's family when appearing for hearings at Madurai. But, admittedly, the respondent has not preferred any police complaint.



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WEB COPY 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 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 District, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.460 of



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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.460 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.

8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. The respondent is at liberty to move the Family Court, Madurai for dispense with the personal appearance and early disposal of H.M.O.P.No.460 of 2025, and on such application, the learned Judge is directed to consider the same on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

09.04.2026

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



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To

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



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K.MURALI SHANKAR, J.

DAS

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