



Tr.C.M.P.(MD)No.155 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.155 of 2026
and
C.M.P.(MD)No.3370 of 2026

Suvethani

**... Petitioner/
Respondent**

Vs.

Ravi Kumar

**... Respondent/
Petitioner**

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.153 of 2025 on the file of the learned Family Court, Srivilliputhur and to transfer the same to the Subordinate Court, Sivakasi.

For Petitioner : Mr.C.Narendren

For Respondent : Mr.V.Sasikumar



Tr.C.M.P.(MD)No.155 of 2026

WEB COPY

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.153 of 2025 from the file of the Family Court, Srivilliputhur, and transfer the same to the file of the Subordinate Court, Sivakasi.

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 23.11.2023 as per the Hindu rites and customs and due to their wedlock, they were blessed with one male child now aged 1½ years and that subsequently there arose some misunderstanding and they are living separately.

4. It is not in dispute that the petitioner filed a petition in H.M.O.P.No.224 of 2025 seeking divorce and the same is pending on the file of the Subordinate Court, Sivakasi and also laid a maintenance claim



Tr.C.M.P.(MD)No.155 of 2026

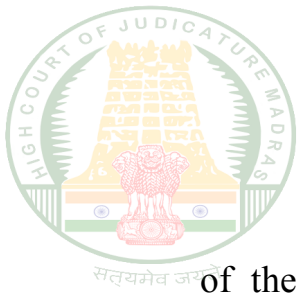
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in M.C.No.5 of 2026 and the same is pending on the file of the Judicial Magistrate No.2, Sivakasi and that the respondent filed a petition in H.M.O.P.No.153 of 2025 seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Srivilliputhur.

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Sivakasi along with her 1½ years old male child and finds it difficult to travel to Srivilliputhur to attend the hearings.

6. The learned counsel appearing for the respondent would submit that the petitioner and her family prevented the respondent to see their child and hence, he was constrained to file the above petition seeking restitution of conjugal rights and that the petitioner has not assigned any valid reason or ground for transferring the case.

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



Tr.C.M.P.(MD)No.155 of 2026

of the Code of Civil Procedure and the relevant passage is extracted
WEB COPY 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.”

8. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Sivakasi along with her child, this Court is of the view that the case in H.M.O.P.No.153 of 2025 is ordered to be withdrawn from the file of the Family Court, Srivilliputhur, and transfer the same to the file of the Subordinate Court, Sivakasi.



Tr.C.M.P.(MD)No.155 of 2026

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Accordingly, the learned Judge, Family Court, Srivilliputhur, is hereby directed to transmit the entire records in H.M.O.P.No.153 of 2025 to the file of the Subordinate Court, Sivakasi, 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 Subordinate Judge, Sivakasi, 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. Consequently, connected Miscellaneous Petition is closed. No costs.

09.06.2026

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

To

1. The Judge,
Family Court,
Srivilliputhur.
2. The Subordinate Judge,
Sivakasi.



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Tr.C.M.P.(MD)No.155 of 2026

K.MURALI SHANKAR,J.

csn

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P.(MD)No.155 of 2026
and
C.M.P.(MD)No.3370 of 2026

Dated : 09.06.2026