



Tr.C.M.P(MD).No.102 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.04.2026

Delivered on : 17.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.102 of 2026
and
C.M.P(MD)No.1890 of 2026

B.Backia Sornalatha

: Petitioner

Vs

M.Mariappan

: Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the petition in H.M.O.P.No.190 of 2025 pending on the file of Principal Subordinate Court, Chengalpattu, and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner: Mr.P.Samuel Gunasingh,

For Respondent: Mr.S.Sankar.

ORDER

The Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.190 of 2025 pending on the file of Principal Subordinate Court, Chengalpattu, and transfer the same to the file of the Family Court, Tirunelveli.



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2. It is not in dispute that the marriage between the parties was solemnized on 09.11.2021 as per Hindu rites and customs and due to their wed-lock they were blessed with two female children and that subsequently, there arose some misunderstanding between them and they are living separately. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.190 of 2025, seeking divorce and the same is pending on the file of the Principal Subordinate Court, Chengalpattu.

3. The respondent filed a counter affidavit raising objections.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Palayamkottai, Tirunelveli District along with her parents and she finds it difficult to travel to Chengalpattu to attend the hearings along with two children.

5. The learned counsel for the respondent would submit that the petitioner's father had stolen away his cell phone and the respondent lodged a compliant before the police on 25.02.2026 and the same is pending in C.S.R.No.198 of 2026; that the petitioner's father had sent his henchmen to his house on 03.03.2026 and since he was not in the house, the henchmen have shouted standing outside his residence and hence, the respondent was constrained to lodge a complaint before the Commissioner of Police, Avadi on



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04.03.2026; that the petitioner's father is running Real Estate business for the past 35 years and is an influential person in Tirunelveli and if the petitioner is compelled to travel to Tirunelveli, his life would be in danger; that the above petition has been filed with *malafide* intention and ulterior motive to compel the respondent to come to Tirunelveli and cause harm to him; that there is no threat for the petitioner to attend the proceedings at Chengalpattu Court and that therefore, the petition is liable to be dismissed.

6. Even according to the respondent, complaints, if any, were lodged only in respect of alleged incidents said to have occurred at Chennai and that too only at the CSR stage. As rightly contended by the learned counsel for the petitioner, the mere fact that the petitioner's father is engaged in Real Estate business and owns properties, cannot, by itself, lead to an inference that the respondent's life would be in danger, if he travels to Tirunelveli.

7. As already pointed out, it is an admitted position that the petitioner is residing with her parents along with two minor children at Palayamkottai.

8. 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



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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.”

9. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Palayamkottai, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.190 of 2025, is ordered to be withdrawn from the file of the Principal Subordinate Court, Chengalpattu and transfer the same to the Family Court, Tirunelveli. The learned Principal Subordinate Judge, Chengalpattu, is hereby directed to



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transmit the entire records in H.M.O.P.No.190 of 2025 to the file of the Family Court, Tirunelveli, 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, Tirunelveli, is directed to take up the petition on file and proceed in accordance with law.

10. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.
No costs.

17.04.2026

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

To

- 1.The Principal Subordinate Court, Chengalpattu.
- 2.The Family Court, Tirunelveli.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

Pre-delivery order made in
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