

Tr.C.M.P(MD).No.111 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 29.04.2026

Delivered on : 05.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.111 of 2026
and
C.M.P(MD)No.2197 of 2026

T.Anandhi

: Petitioner

Vs

K.Lingam

: Respondent

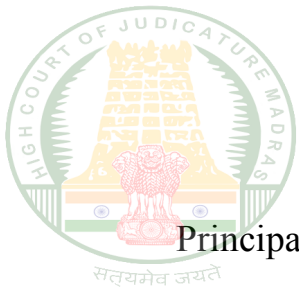
Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the petition in H.M.O.P.No.235 of 2025 pending on the file of Principal Sub Court, Tiruchirappalli, and transfer the same to the file of the Family Court, Nagercoil and try along with M.C.No.3 of 2026 on the file of the Family Court, Nagercoil.

For Petitioner : Mr.M.P.Senthil,

For Respondent : Mr.R.J.Karthik.

ORDER

The Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.235 of 2025, pending on the file of



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Principal Sub Court, Tiruchirappalli, and transfer the same to the file of the Family Court, Nagercoil and try along with M.C.No.3 of 2026 on the file of the Family Court, Nagercoil.

2. It is not in dispute that the marriage between the parties was solemnized on 22.08.2012 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.

3. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.235 of 2025, seeking divorce and the same is pending on the file of the Principal Sub Court, Tiruchirappalli and that the petitioner has laid a maintenance claim in M.C.No.3 of 2026 and the same is pending on the file of the Family Court, Nagercoil.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Agasteeswaram, Kanyakumari District along with her two minor children and she finds it difficult to travel to Trichy to attend the hearings and that therefore, she was constrained to file the above transfer petition.



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WEB COPY 5. The learned counsel for the respondent would submit that the respondent is suffering from Lumbar Spondylosis/Cervical Spondylosis; that he has been taking continues treatment for the said ailments and that therefore, he finds it difficult to undertake long distance travel. He has also produced copies of Medical records to show that the respondent has been taking treatment for his health issues.

6. It is pertinent to note that the Doctor attending the respondent has issued a certificate advising him to avoid carrying or lifting heavy weights; prolonged travelling, prolonged sitting; bending, twisting, jerky movements and activities or work that place excessive stress on the lower back and cervical spine.

7. The learned counsel for the respondent would further submit that the respondent is employed in BHEL and that, owing to his medical condition, he has been availing leave and is not in a position to work.

8. Per contra, the learned counsel for the petitioner would submit that the respondent is working as an Artisan Grade-I in BHEL Company and



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therefore, the contention that he is not in a position to work, is false and incorrect. He has also produced a copy of the salary slip of the respondent, obtained through RTI application, which reveals that the respondent is working as an Artisan Grade-I and was paid a net salary of Rs.58,394/- for the month of January 2026.

9. As rightly pointed out by the learned counsel for the petitioner, the medical certificate does not advise the respondent to restrain from travelling altogether, it only advises him to avoid prolonged travel. Moreover, the fact remains that the respondent is required to attend the proceedings in M.C.No.3 of 2026, pending before the Family Court, Nagercoil.

10. The Hon'ble Supreme Court in 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

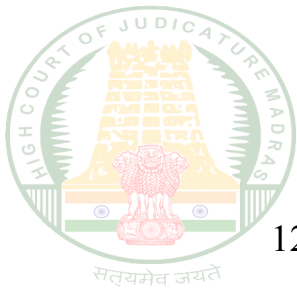


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matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard 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."

11. Considering the entire facts and circumstances of the case and also the fact that the petitioner is residing at Nagercoil along with her two minor children, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.235 of 2025, is ordered to be withdrawn from the file of the Principal Sub Court, Trichy and transfer the same to the Family Court, Nagercoil. The learned Principal Sub Judge, Trichy, is hereby directed to transmit the entire records in H.M.O.P.No.235 of 2025 to the file of the Family Court, Nagercoil, 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, Nagercoil, is directed to take up the petition on file and proceed in accordance with law.



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

05.06.2026

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

To

- 1.The Principal Sub Court, Tiruchirappalli.
- 2.The Family Court, Nagercoil.
- 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
Tr.C.M.P (MD).No.111 of 2026
and
C.M.P(MD)No.2197 of 2026

05.06.2026