



Tr.C.M.P.(MD)No.110 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.110 of 2022
and
C.M.P.(MD)No.2216 of 2022

J.Anitha Mary @ Nagarani

... Petitioner/
Respondent

Vs.

C.W.Jervin Alosius

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw and transfer the above I.D.O.P.No.92 of 2021 on the file of the learned Principal District Judge, Tiruppur and transfer the same to the Court of learned Family Court at Trichy.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



Tr.C.M.P.(MD)No.110 of 2022

case from the file of the Principal District Court, Tiruppur, in I.D.O.P.No. 92 of 2021 and transfer the same to the file of the Family Court, Trichy.

2. Despite the receipt of Court notice, the respondent has not turned up. Moreover, notice was also served on the counsel appearing for the respondent before the trial Court, but there was no representation for the respondent earlier. Even today, there is no representation for the respondent.

3. Heard the learned counsel appearing for the petitioner.

4. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 10.07.2011 as per the Christian Rites and Customs and that subsequently there arose some misunderstanding and they are living separately. It is also not in dispute that the respondent filed a petition in I.D.O.P.No.92 of 2021 seeking divorce and the same is pending on the file of the Principal District Court, Tiruppur.

5. The learned counsel appearing for the petitioner would submit



Tr.C.M.P.(MD)No.110 of 2022

that the petitioner is residing at Trichy and finds it difficult to travel to Tiruppur to attend the hearings along with her 10 years old male child.

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



Tr.C.M.P.(MD)No.110 of 2022

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To

1. The Principal District Judge,
Tiruppur.
2. The Judge,
Family Court,
Trichy.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P.(MD)No.110 of 2022

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.110 of 2022
and
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