



Tr.C.M.P.(MD)No.120 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

Reserved on : 04.06.2026

Pronounced on : 12.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.120 of 2026
and
C.M.P.(MD)No.2402 of 2026

Nagammai

... Petitioner/
Respondent/Wife

Vs.

Thenappan @ Mahalingam

... Respondent/
Petitioner/
Husband

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.63 of 2025 on the file of the Subordinate Court, Devakottai and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.N.Shyllappa Kalyan

For Respondent : Mr.S.Vashik Ali



Tr.C.M.P.(MD)No.120 of 2026

WEB COPY

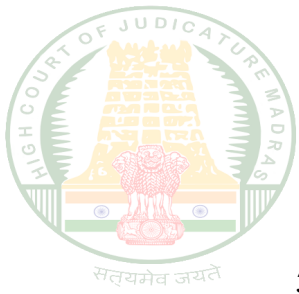
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.63 of 2025 from the file of the Subordinate Court, Devakottai and transfer the same to the file of the Family Court, Chennai.

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 23.11.2006 as per the Hindu rites and customs and due to their wedlock, they were blessed with two children, namely, Jayashree born in 2008 and Senthilnathan born in 2011 and that subsequently there arose some misunderstanding between them and they are living separately.

4. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.63 of 2025 seeking divorce and the same is pending on the file of the Subordinate Court, Devakottai.



Tr.C.M.P.(MD)No.120 of 2026

WEB COPY

5. It is admitted by both the counsel on record that the respondent has earlier filed a divorce petition before the Family Justice Courts of the Republic of Singapore and obtained a decree of divorce.

6. The learned counsel appearing for the petitioner would submit that the petitioner is presently residing at Chennai along with her parents and finds it difficult to travel to Devakottai to attend the hearings.

7. The learned counsel appearing for the respondent would submit that both parties are presently residing in Singapore and therefore, the petitioner cannot have any valid objection to the proceedings being continued before the Subordinate Court, Devakottai. But the fact remains that it is the respondent who has chosen to file the divorce petition before the Subordinate Court, Devakottai, despite his specific stand that he had already obtained a decree of divorce from the competent Court at Singapore.

8. The learned counsel appearing for the respondent would further submit that the parties had entered into a settlement and that on the basis



Tr.C.M.P.(MD)No.120 of 2026

WEB COPY

of said settlement, divorce petition was filed before the Singapore Court.

According to him, the petitioner had been given money and property in terms of the settlement and it was only thereafter that the Singapore Court granted a decree of divorce. But in the present transfer petition, this Court is not concerned with the validity or effect of the settlement allegedly entered into between the parties.

9. In the 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 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



WEB COPY



Tr.C.M.P.(MD)No.120 of 2026

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."

10. In view of the above facts and circumstances, and taking note of the specific stand of the petitioner that she is presently residing at Chennai, this Court is of the considered view that H.M.O.P.No.63 of 2025 is liable to be withdrawn from the file of the Subordinate Court, Devakottai and transferred to the file of the Family Court, Chennai. Accordingly, the learned Subordinate Judge, Devakottai, is hereby directed to transmit the entire records in H.M.O.P.No.63 of 2025 to the file of the Principal Judge Family Court, Chennai, within a period of 10 days from the date of receipt of a copy of this order and upon receipt of the case records, the learned Principal Judge, Family Court, Chennai, shall take the petition on file and proceed with the same in accordance with law.

11. With the above directions, the Transfer Civil Miscellaneous



Tr.C.M.P.(MD)No.120 of 2026

Petition stands allowed. Consequently, connected Miscellaneous Petition
is closed. No costs.

WEB COPY

12.06.2026

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

To

- 1.The Subordinate Judge,
Devakottai.
- 2.The Judge,
Family Court, Chennai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P.(MD)No.120 of 2026



WEB COPY



Tr.C.M.P.(MD)No.120 of 2026

K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Tr.C.M.P.(MD)No.120 of 2026
and
C.M.P.(MD)No.2402 of 2026

Dated : 12.06.2026