

Tr.C.M.P(MD).No.119 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 12.06.2026

PRONOUNCED ON : 19.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.119 of 2026

and

C.M.P(MD)No.2370 of 2026

P.Karunanithi

: Petitioner / Respondent

Vs.

M.Vimaladevi

: Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.10 of 2026, on the file of the Family Court, Srivilliputhur and transfer the same to the Subordinate Court, Ramanathapuram.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.S.Senthilvel



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ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.10 of 2026, on the file of the Family Court, Srivilliputhur and transfer the same to the Subordinate Court, Ramanathapuram.

2. It is not in dispute that the marriage between the parties was solemnized on 11.05.2021 as per the Hindu rites and customs and due to their wedlock, they were blessed with two male children viz., Kavin and Mukil, who are currently studying 8th std., and 4th std., respectively and that subsequently there arose misunderstanding between them and are living separately. It is also not in dispute that the respondent/wife filed a petition in H.M.O.P.No.10 of 2026 seeking divorce and the same is pending on the file of the Family Court, Srivilliputhur and that the petitioner filed a petition in H.M.O.P.NO.15 of 2026 seeking restitution of conjugal rights and the same is pending on the file of the Subordinate Court, Ramanathapuram.

3. It is admitted by both parties that the petitioner is working as a Martial Arts trainer in private schools at Ramanathapuram and that the



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respondent is working as a Physical Education Teacher in Government Higher Secondary School, Pudumadam, Ramanathapuram District. No doubt, the petitioner, in his petition has stated that their elder son is under his care and custody while the younger son is under the care and custody of the respondent. But when the matter was taken up for final disposal, the learned Counsel for the petitioner submitted that both the sons are presently under the care and custody of the petitioner.

4. The learned Counsel for the petitioner would submit that the respondent, without informing the petitioner, left the home along with their elder son and despite searching for them at various places, the petitioner was unable to trace them. Thereafter, the petitioner was constrained to lodge a complaint before the police and on that basis, F.I.R., came to be registered in Cr.No.10 of 2026, on the file of the Kenikkarai Police Station as “Woman and Boy missing” and that the respondent subsequently informed the police that she had left the matrimonial home owing to differences that had arisen between herself and the petitioner.

5. The learned Counsel for the respondent would submit that the respondent has to take care of her aged mother and she would find it difficult

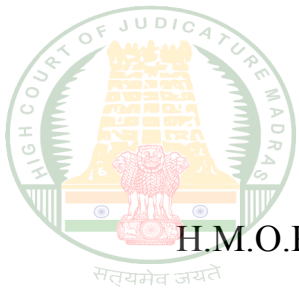


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to travel to Ramanathapuram, if the case is transferred and that the petitioner, solely with an intention to harass the respondent, filed the above petition and that therefore, the same is liable to be dismissed. The learned Counsel for the respondent would further submit that the respondent is presently residing at Srivilliputhur and that she has already submitted a transfer application and her counselling has been fixed on 15.06.2026.

6. As of now, the fact remains that both parties are now working at Ramanathapuram. Moreover, the two minor sons of the parties are under the care and custody of the petitioner. No doubt, the Hon'ble Supreme Court has reiterated the legal position that while considering the transfer application, the convenience of the wife should ordinarily be given paramount consideration. But in the present case, as already pointed out, the petitioner has to take care of the two minor sons, who are admittedly studying in National Academy Matriculation Higher Secondary School, Ramanathapuram.

7. Considering the entire facts and circumstances of the case and taking note of the fact that both the sons of the parties are under the care and custody of the petitioner and are pursuing their studies at Ramanathapuram, this Court is inclined to allow the transfer the petition. Accordingly, the petition in



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H.M.O.P.No.10 of 2026, is ordered to be withdrawn from the file of the Family Court, Srivilliputhur and transferred to the file of the Subordinate Court, Ramanathapuram. The learned Judge, Family court, Srivilliputhur is hereby directed to transmit the entire records in H.M.O.P.No.10 of 2026 to the file of the Subordinate Court, Ramanathapuram within a period of 10 days from the date of receipt of copy of this order and on receipt of the case records, the learned Subordinate Judge, Ramanathapuram shall take the petition on file and proceed with the same in accordance with law.

8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

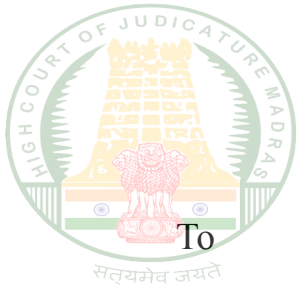
19.06.2026

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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1.The Family Court, Srivilliputhur.

2.The Subordinate Court, Ramanathapuram.

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



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K.MURALI SHANKAR, J.

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Order made in
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