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Tr.C.M.P(MD).No.155 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.155 of 2025
and
C.M.P(MD)No.3950 of 2025

K.V.Visithra

: Petitioner

Vs

N.S.Preetham

: Respondent

Prayer in Tr.C.M.P(MD) No. 308 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.312 of 2025 from the file of the VII Additional Family Court, Chennai, and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.V.Nagendran

For Respondent : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.312 of 2025 from the file of the VII Additional Family Court, Chennai, and transfer the same to the Family Court, Madurai.



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2. It is not in dispute that the marriage between the parties was solemnized on 15.02.2021 as per Hindu Rites and customs and due to their wed-lock they were blessed with a female child on 07.03.2023 and subsequently, there arose some misunderstanding between them and they are living separately.

3. It is not in dispute that the petitioner has filed a petition in H.M.O.P.No.1217 of 2025, seeking divorce and the same is pending on the file of the Family Court, Madurai and the petitioner has also initiated the proceedings under the Domestic Violence Act and the same is pending in D.V.C.No.167 of 2024 on the file of the Additional Mahila Court, Madurai and that thereafter, the respondent has filed the petition in H.M.O.P.No.312 of 2025, seeking restitution of conjugal rights and the same is pending on the file of the VII Additional Family Court, Chennai.

4. Despite effecting paper publication and printing the name in the cause list, the respondent has not turned up.

5. The learned counsel for the petitioner would submit that the petitioner is residing at Anuppanadi, Madurai District along with two years female child and finds it very difficult to travel to Chennai to attend all the hearings.



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WEB COPY 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 considering transfer.”, the bench observed.”

7. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Madurai, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.312 of 2025, is



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ordered to be withdrawn from the file of the VII Additional Family Court, Chennai and transfer the same to the Family Court, Madurai. The learned Judge, VII Additional Family Court, Chennai, is hereby directed to transmit the entire records in H.M.O.P.No.312 of 2025 to the file of the Family Court, Madurai, 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, Madurai, is directed to take up the petition on file and proceed in accordance with law.

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

02.04.2026

das



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To

- 1.The VII Additional Family Court,
Chennai
- 2.The Family Court, Madurai.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.155 of 2025
and
C.M.P(MD)No.3950 of 2025

02.04.2026