



Tr.C.M.P(MD).No.127 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2026

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.127 of 2026
and
C.M.P(MD)Nos.2544 and 4278 of 2026

R.Lavanya

: Petitioner

Vs

Vinoth Kannan

: Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.13 of 2026 from the file of the Family Court, Sriviliputhur, Virudhunagar District, and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.R.J.Karthick,

For Respondent : Mr.M.Chokkusamy Balasubramaniam

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P. No.13 of 2026 from the file of the Family Court, Sriviliputhur, Virudhunagar District, and transfer the same to the Family Court, Coimbatore.



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2. It is evident from the records that the marriage between the parties was solemnized on 11.05.2008 as per Hindu rites and customs and due to their wed-lock they were blessed with a male child on 19.04.2009 and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.13 of 2026, seeking divorce and the same is pending on the file of the Family Court, Sriviliputhur, Virudhunagar District.

4. The learned counsel for the petitioner would submit that the petitioner was diagnosed with a Recurrent Fistula in Ano, for which she underwent surgery on 10.02.2026 for the second time and she is taking further treatment and that their son is now studying in 12th standard in a School at Coimbatore and that therefore, she finds it very difficult to travel to Srivilliputhur to attend the hearings.

5. The learned counsel for the respondent would submit that both parties were residing at Bengaluru, that the petitioner had assaulted the respondent and thereafter, they shifted to Hosur, and that the disputes between



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the parties continued. Even according to the respondent, the respondent has not preferred any complaint for the alleged occurrence.

6. But according to the petitioner, no such occurrence had taken place.

7. The learned counsel for the respondent would further submit that the respondent has to take care of his aged parents and his mother is a heart-patient.

8. 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



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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."

9. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is under treatment and their son is now studying in 12th standard in Coimbatore, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.13 of 2026, is ordered to be withdrawn from the file of the Family Court, Srivilliputur and transfer the same to the Family Court, Coimbatore. The learned Judge, Family Court, Srivilliputur, is hereby directed to transmit the entire records in H.M.O.P. No.13 of 2026 to the file of the Family Court, Coimbatore, 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, Coimbatore, is directed to take up the petition on file and proceed in accordance with law.

10. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed. No costs.

15.04.2026

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To

- 1.The Family Court,
Srivilliputhur, Virudhunagar District.
- 2.The Family Court, Coimbatore.
- 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.127 of 2026
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