

Tr.C.M.P(MD)No.148 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 29.04.2026

PRONOUNCED ON :05.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD)No.148 of 2026

and

C.M.P(MD)No.3174 of 2026

Divya
represented by her power agent
Selvi

: Petitioner / Respondent

Vs.

Manoj Kumar

: Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.78 of 2025, on the file of the Family Court, Thanjavur and transfer the same to the Subordinate Court, Hosur.

For Petitioner : Mr.C.Jeya Prakash

For Respondent : Mr.N.Jeyaramsidharth



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Tr.C.M.P(MD)No.148 of 2026

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.78 of 2025, on the file of the Family Court, Thanjavur and transfer the same to the Subordinate Court, Hosur.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent and perused the materials available on record.

3. It is not in dispute that the marriage between the parties was solemnized on 15.05.2022 as per the Hindu Rites and Customs and subsequently there arose some misunderstanding between them and they are living separately. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.78 of 2025 seeking divorce and the same is pending on the file of the Family Court, Thanjavur, that the petitioner filed a petition in M.C.No.787 of 2025 seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Bangalore and that the petitioner has also initiated the proceedings under the Domestic Violence Act and the same is pending in C.C.No.5630 of 2025, on the file of the Magistrate Court, Bangalore.



Tr.C.M.P(MD)No.148 of 2026

WEB COPY 4. The learned Counsel for the petitioner would submit that though the petitioner was originally residing at Bangalore, she now has shifted to Hosur, Krishnagiri District and is presently residing with her parents, that the has respondent wantonly filed the divorce petition before the Family Court at Thanjavur and that the petitioner, residing at Hosur, finds it difficult to travel to Thanjavur to attend the Court hearings.

5. The learned Counsel for the respondent would submit that the petitioner herself filed a petition for restitution of conjugal rights before the Family Court, Bangalore and also her complaint under the Domestic Violence Act is also pending before a criminal Court at Bangalore, that the petitioner has deliberately filed the present petition seeking transfer of the divorce petition to Hosur and that the petitioner has not produced any iota of evidence to show that she is presently residing at Hosur. The learned Counsel would further submit that on the basis of a complaint lodged by the respondent's father, an F.I.R., came to be registered in Cr.No.571 of 2024, on the file of the Tamil University Police Station, Tanjore against the petitioner and her family members for the offence under Sections 296(b) and 351(2) of BNS and that the investigation is pending.



Tr.C.M.P(MD)No.148 of 2026

WEB COPY

6. When the matter was taken up for hearing, the learned Counsel for the petitioner has produced a copy of the rental agreement entered into between the petitioner's mother and one Ramakrishnan in respect of residential premises situated at Zuzuvadi, Hosur. The learned Counsel for the petitioner would further submit that the petitioner is taking necessary steps before the Hon'ble Supreme Court for transfer the cases pending before the Court at Bangalore to the Courts at Hosur.

7. Before entering into it is necessary to refer 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



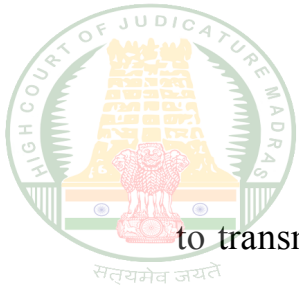
Tr.C.M.P(MD)No.148 of 2026

WEB COPY

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."

8. It is well settled that while considering a petition for transfer in matrimonial disputes, the paramount consideration is the convenience of the wife. The Hon'ble Supreme Court has consistently held that, having regard to the prevailing socio-economic conditions in the Country, the convenience of the wife ordinarily deserves to be given precedence, especially where she has no independent source of income.

9. Considering the facts and circumstances and also taking note of the fact that the petitioner is presently residing at Hosur, this Court is inclined to allow the petition. Accordingly, the case in H.M.O.P.No.78 of 2025, on the file of the Family Court, Thanjavur is ordered to be withdrawn from the file of the Family Court, Thanjavur and transfer the same to the file of the Subordinate Court, Hosur. The learned Judge, Family Court, Thanjavur is hereby directed



Tr.C.M.P(MD)No.148 of 2026

to transmit the entire records in H.M.O.P.No.78 of 2025 to the file of the the Subordinate Court, Hosur, within a period of 10 days from the date of receipt of copy of this order and on receiving the case bundle, the learned Subordinate Judge, Hosur is directed to take up the case on file and proceed in accordance with law.

10. 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.

05.06.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

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To

- 1.The Family Court, Thanjavur.
- 2.The Subordinate Court, Hosur.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD)No.148 of 2026

K.MURALI SHANKAR, J.

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Order made in
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