

Tr.C.M.P(MD).No.172 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.172 of 2026
and
C.M.P(MD)No.3859 of 2026

V.C.M.Dhanu Surya

: Petitioner

Vs

S.Sankaraganesh

: Respondent

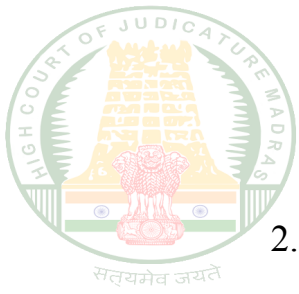
Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.412 of 2024 from the file of the Family Court, Salem and transfer the same to the Sub Court, Mudukulathur, Ramanathapuram District.

For Petitioner : Mr.R.Jothiraj,

For Respondent : Mr.R.Saravana Kumar

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.412 of 2024 from the file of the Family Court, Salem and transfer the same to the Sub Court, Mudukulathur, Ramanathapuram District.



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2. It is not in dispute that the marriage between the parties was solemnized on 27.09.2019 as per Hindu rites and customs and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is also not in dispute that the respondent has filed a petition in H.M.O.P.No.412 of 2024, seeking restitution of conjugal and the same is pending on the file of the Family Court, Salem and that the petitioner has filed a petition in H.M.O.P.No.118 of 2025, seeking divorce and the same is pending on the file of the Sub Court, Mudukulathur, Ramanathapuram District. He would submit that the petitioner is residing at Kadaladi Taluk, Ramanathapuram District and finds it very difficult to travel to Salem to attend all the hearings.

4. The learned counsel for the respondent would submit that the petitioner and the respondent are working as Inspectors in HR&CE Department, that the petitioner is now working at Dharmapuri, that the respondent is even now ready to join with the petitioner, but the petitioner has purposely filed the divorce petition before the Sub Court, Mudukulathur and that therefore, the respondent is objecting to transfer.



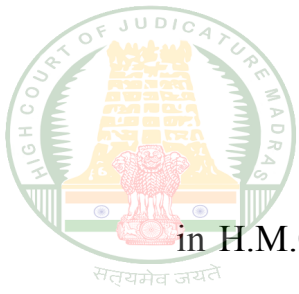
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WEB COPY 5. In the case of ***N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha***

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 Kadaladi Taluk, Ramanathapuram District, this Court is inclined to allow this petition. Accordingly, the petition



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in H.M.O.P.No.412 of 2024, is ordered to be withdrawn from the file of the Family Court, Salem and transfer the same to the Sub Court, Mudukulathur, Ramanathapuram. The learned Judge, Family Court, Salem, is hereby directed to transmit the entire records in H.M.O.P.No.412 of 2024 to the file of the Sub Court, Mudukulathur, Ramanathapuram, 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 Subordinate Judge, Mudukulathur, Ramanathapuram, 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.

12.06.2026

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



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To

- 1.The Judge, Family Court, Salem.
- 2.The Subordinate Judge,
Mudukulathur, Ramanathapuram
- 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
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