



Tr.C.M.P(MD).No.166 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.166 of 2026
and
C.M.P(MD)No.3715 of 2026

Shanmugathaai @ P.K.Umadevi : Petitioner
Vs

U.Manikandan : Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.31 of 2026 from the file of the Family Court, Theni, and transfer the same to the Sub Court, Usilampatti, Madurai.

For Petitioner : Mr.S.Sundar,

For Respondent : Mr.D.Raja Boopathy.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P. No.31 of 2026 from the file of the Family Court, Theni, and transfer the same to the Sub Court, Usilampatti, Madurai.



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2. It is evident from the records that the marriage between the parties was solemnized on 25.05.2012 as per Hindu rites and customs and due to their wed-lock they were blessed with two children 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.31 of 2026, seeking divorce and the same is pending on the file of the Family Court, Theni.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Usilampatti, Madurai District along with her aged parents and her children and she finds it very difficult to travel to Theni to attend the hearings.

5. The learned counsel for the respondent would submit that the petitioner is residing at Kerala and he has also produced the copy of the Aadhar Card and also copy of the complaint lodged by the petitioner.



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6. As rightly pointed out by the learned counsel for the petitioner, the police complaint is alleged to have been given on 18.02.2024. He would further submit that the petitioner is living with her parents at Usilampatti.

7. 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



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considering transfer.", the bench observed."

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8. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Usilampatti, Madurai District, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.31 of 2026, is ordered to be withdrawn from the file of the Family Court, Theni and transfer the same to the Sub Court, Usilampatti, Madurai District. The learned Judge, Family Court, Theni, is hereby directed to transmit the entire records in H.M.O.P.No.31 of 2026 to the file of the Sub Court, Usilampatti, 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, Sub Court, Usilampatti, 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.

16.04.2026

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



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To

- 1.The Family Court, Theni.
- 2.The Sub Court, Usilampatti,
Madurai District.
- 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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