

Tr.C.M.P(MD).No.168 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.168 of 2026
and
C.M.P(MD)No.3788 of 2026

Jannathul Aliya

: Petitioner

Vs

Mohammed Asik

: Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to recall O.S.No.61 of 2025 on the file of District Munsif, Thiruvarur filed by the respondent herein and transfer the same to be tried along with the D.V.C.No.26 of 2025 filed by the petitioner on the file of the Additional Mahila Court, Pudukkottai.

For Petitioner : Mr.N.Bala Krishnan,
for Mr.C.Nagamuthu.

For Respondent : Ms.S.Mamtha.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to recall O.S.No.61 of 2025 on the file of District Munsif, Thiruvarur filed by



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the respondent herein and transfer the same to be tried along with the D.V.C.No.26 of 2025 filed by the petitioner on the file of the Additional Mahila Court, Pudukkottai.

2. It is not in dispute that the marriage between the parties was solemnized on 18.12.2022 as per Muslim 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 suit in O.S.No. 61 of 2025, seeking dissolution of marriage and the same is pending on the file of the District Munsif Court, Thiruvarur and that the petitioner has initiated the proceedings under the Domestic Violence Act in D.V.C.No.26 of 2025 and the same is pending on the file of the Additional Mahila Court, Pudukkottai. He would submit that the petitioner is residing at Pudukkottai and finds it very difficult to travel to Thiruvarur to attend all the hearings.

4. The learned counsel for the respondent would submit that the petitioner has arrayed the respondent and his entire family members as respondents/accused in the DVC proceedings and they are facing life threats



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and that is why they have not entered into appearance in DVC proceedings till now. He would further submit that the respondent is now in abroad.

5. Even according to the learned counsel for the respondent, it is not their case that any complaint has been lodged either before the jurisdictional Police or before the competent Court with regard to the alleged threats.

6. The learned counsel for the petitioner would submit that after filing of the suit seeking dissolution of marriage, the respondent went abroad and thereafter, he has not returned. The learned counsel for the respondent would that he may be permitted to appear through virtual hearings.

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

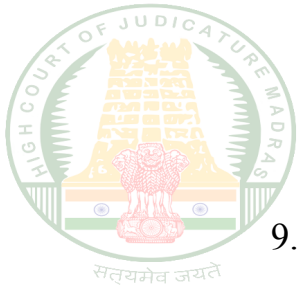


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the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the 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."

8. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Pudukkottai, this Court is inclined to allow this petition. Accordingly, the suit in O.S.No.61 of 2025, is ordered to be withdrawn from the file of the District Munsif Court, Thiruvarur, and transfer the same to the Principal District Munsif Court, Pudukkottai. The learned District Munsif, Thiruvarur, is hereby directed to transmit the entire records in O.S.No.61 of 2025 to the file of the Principal District Munsif Court, Pudukkottai, 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 Principal District Munsif, Pudukkottai, is directed to take up the suit on file and proceed in accordance with law.



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9. With the above direction, the Transfer Civil Miscellaneous Petition stands disposed of. The respondent is at liberty to move the Principal District Munsif Court, Pudukkottai, seeking permission to appear through virtual mode and upon such an application being filed, the learned trial Judge is directed to consider the same on its merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

16.06.2026

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

To

- 1.The District Munsif, Thiruvarur.
- 2.The Pricipal District Munsif Court,
Pudukkottai.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

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