



Tr.C.M.P(MD).No.176 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.176 of 2026

and

C.M.P(MD)No.3990 of 2026

L.Yohitha Seles : Petitioner/Respondent

Vs.

Salomeraj : Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw the case in I.D.O.P.No.428 of 2026 pending on the file of the V Additional Principal Judge, Family Court, Chennai and to transfer the same to the Family Court, Sivagangai.

For Petitioner : Mr.L.Shaji Chellan,

For Respondent : Mr.R.Rajesh Kumar

ORDER

The Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in I.D.O.P.No.428 of 2026 pending on the file of the V Additional Principal Judge, Family Court, Chennai and to transfer the same to the Family Court, Sivagangai.



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2. It is seen from the records that the marriage between the parties was solemnized on 04.09.2026 and subsequently, there arose some misunderstanding between them and they are living separately. It is not in dispute that the respondent has filed a divorce petition in I.D.O.P.No.428 of 2026, and the same is pending on the file of the V Additional Principal Judge, Family Court, Chennai.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Sivagangai District and finds it very difficult to travel to Chennai to attend all the hearings.

4. The learned counsel for the respondent would submit that they are not having objection to transfer the case and that the respondent may be allowed to appear through video conference and his personal appearance may be dispensed with.

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



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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.”

6.Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Sivagangai District, this Court is inclined to allow this petition. Accordingly, the petition in I.D.O.P.No.428 of 2026, is ordered to be withdrawn from the file of the V Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the Family Court, Sivagangai. The learned V Additional Principal Judge, Family Court, Chennai, is hereby directed to transmit the entire records in I.D.O.P.No.428 of



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2026 to the file of the Family Court, Sivagangai, 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, Sivagangai, is directed to take up the petition on file and proceed in accordance with law.

7. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. The respondent is at liberty to move the Family Court, Sivagangai for dispensation of personal appearance 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.

27.03.2026

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

- 1.The V Additional Principal Judge, Family Court,
Chennai.
- 2.Family Court, Sivagangai.
- 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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