



Tr.C.M.P.(MD)No.174 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.174 of 2026
and
C.M.P.(MD)No.3975 of 2026

R.Udhaya Rajapriya

**... Petitioner/
Respondent**

Vs.

B.Venkataramanan

**... Respondent/
Petitioner**

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.28 of 2026 on the file of the Family Court, Thanjavur and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.V.Karuppaiah

**For Respondent : Mr.Pranav
for Mr.P.Ganapathi Subramanian**



Tr.C.M.P.(MD)No.174 of 2026

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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.28 of 2026 from the file of the Family Court, Thanjavur, and transfer the same to the file of the Family Court, Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 10.02.2014 as per the Hindu rites and customs and due to their wedlock, they were blessed with one female child now aged 9 years and that subsequently there arose some misunderstanding and they are living separately.

4. It is not in dispute that the respondent filed a petition in H.M.O.P.No.28 of 2026 seeking divorce and the same is pending on the file of the Family Court, Thanjavur and that the petitioner has filed a petition in H.M.O.P.No.451 of 2026 seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Madurai and she



Tr.C.M.P.(MD)No.174 of 2026

WEB COPY

has also laid maintenance claim in M.C.No.88 of 2026 and the same is also pending on the file of the Family Court, Madurai.

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Madurai along with her 9 years old female child, who is now studying at Madurai and finds it difficult to travel to Thanjavur to attend the hearings.

6. The learned counsel appearing for the respondent would submit that mediation is pending before the Madurai Court. He would further submit that the petitioner has not assigned any valid reason or ground and hence, they are objecting to transfer the case.

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 :



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Tr.C.M.P.(MD)No.174 of 2026

“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.”

8. At this juncture, the learned counsel appearing for the respondent would submit that the respondent may be permitted to appear through video conferencing before the Family Court, Madurai.

9. Considering the above facts and circumstances and also taking note of the fact that the respondent has been appearing before the Court at Madurai, this Court is of the view that the case in H.M.O.P.No.28 of 2026



Tr.C.M.P.(MD)No.174 of 2026

WEB COPY

is ordered to be withdrawn from the file of the Family Court, Thanjavur, and transfer the same to the file of the Family Court, Madurai. Accordingly, the learned Judge, Family Court, Thanjavur, is hereby directed to transmit the entire records in H.M.O.P.No.28 of 2026 to the file of the Family Court, Madurai, 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, Madurai, is directed to take up the petition on file and proceed in accordance with law.

10. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. The respondent is at liberty to approach the Family Court, Madurai, requesting for appearing through video conferencing and on such application being filed, the learned Judge, Family Court, Madurai, is directed to consider the same and pass orders in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

09.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
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Tr.C.M.P.(MD)No.174 of 2026

K.MURALI SHANKAR,J.

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To

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

Order made in
Tr.C.M.P.(MD)No.174 of 2026
and
C.M.P.(MD)No.3975 of 2026

Dated : 09.06.2026