

Tr.C.M.P(MD).No.202 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

**Tr.C.M.P (MD).No.202 of 2026
and
C.M.P(MD)No.4557 of 2026**

Shakilabanu

: Petitioner

Vs

Vivek

: Respondent

Prayer in Tr.C.M.P(MD) No. 202 of 2026 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.8 of 2025 from the file of the Additional Sub Court, Hosur and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.T.Leninkumar

For Respondent : Mr.B.Kumaresan

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.8 of 2025 from the file of the Additional Sub Court, Hosur and transfer the same to the Family Court, Trichy.



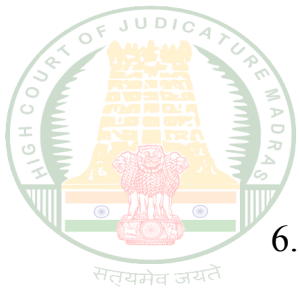
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WEB COPY 2. It is evident from the records that the marriage between the parties was solemnized on 13.03.2022 as per Hindu rites and customs and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is not in dispute that the respondent filed a petition in H.M.O.P.No.8 of 2025, seeking divorce and the same is pending on the file of the Additional Sub Court, Hosur.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Trichy, and she finds it difficult to travel to Hosur to attend the hearings.

5. The learned counsel appearing for the respondent would submit that the petitioner as well as the respondent are presently working at Hosur and that the petitioner, without assigning any valid reason, has sought for transfer. He would further submit that the trial Court may be directed to dispose of the case within a time stipulated.



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

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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 Trichy District, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.8 of 2025, is ordered to be withdrawn from the file of the Additional Sub Court, Hosure, and transfer the same to the Family Court, Trichy. The learned



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Additional Subordinate Judge, Hosure, is hereby directed to transmit the entire records in H.M.O.P.No.8 of 2025 to the file of the Family Court, Trichy, 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, Trichy, 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. The respondent is at liberty to approach the learned Judge, Family Court, Trichy, for early disposal of the case and on such application being filed, the learned Judge, Family Court, Trichy, is directed to consider the same on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

03.06.2026

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



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To

- 1.The Additional Sub Court, Hosur.
- 2.The Family Court, Trichy.
- 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
Tr.C.M.P (MD).No.202 of 2026
and
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