



Tr.C.M.P(MD).No.182 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.182 of 2026
and
C.M.P(MD)No.4113 of 2026

Janaki : Petitioner

Vs

Aravinthan : Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the petition in H.M.O.P.No.232 of 2024 on the file of the Sub Court, Tenkasi District and transfer the same to the file of the Sub Court, Srivaikundam, Thoothukudi District.

For Petitioner : Mr.A.Gomathi Manikandan

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.232 of 2024 on the file of the Sub Court, Tenkasi District and transfer the same to the file of the Sub Court, Srivaikundam, Thoothukudi District.



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WEB COPY 2. When the matter was taken up on 04.06.2026, there was no representation for the respondent and hence, the matter was adjourned to 11.06.2026. Even today, there is no representation for the respondent.

3. It is not in dispute that the marriage between the parties was solemnized on 05.12.2008 as per Hindu rites and customs and that subsequently, there arose some misunderstanding between them and they are living separately.

4. It is also not in dispute that the respondent has filed a petition in H.M.O.P.No.232 of 2024, seeking divorce and the same is pending on the file of the Sub Court, Tenkasi. He would submit that the petitioner is residing at Srivaikundam Taluk, Thoothukudi District and finds it very difficult to travel to Tenkasi to attend all the hearings.

5. As already pointed out, no representation on behalf of the respondent.

6. 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



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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 Srivaikundam Taluk, Thoothukudi District, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.232 of 2024, is ordered to be withdrawn from the file of the Sub Court, Tenkasi and transfer the same to the Sub Court, Srivaikundam, Thoothukudi, District. The learned Subordinate Judge, Tenkasi, is hereby



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directed to transmit the entire records in H.M.O.P.No.232 of 2024 to the file of the Sub Court, Srivakundam, Thoothukudi District, 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 Subordinate Judge, Srivakundam, Thoothukudi District, 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.

12.06.2026

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



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To

- 1.The Subordinate Judge, Srivakundam,
Thoothukudi District.
- 2.The Subordinate Judge,
Tenkasi 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
Tr.C.M.P (MD).No.182 of 2026
and
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