



Tr.C.M.P.(MD)No.190 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 08.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.190 of 2026
and
C.M.P.(MD)No.4390 of 2026

Viveka

**... Petitioner/
Respondent**

Vs.

Lakshmi Narayanan

**... Respondent/
Petitioner**

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw H.M.O.P.No.350 of 2025 pending before the learned Principal Sub Court, Tenkasi, Tenkasi District and transfer the same to Family Court, Thoothukudi.

For Petitioner : Mr.S.Muthu Malai Raja

For Respondent : Mr.P.P.Alwin Balan



Tr.C.M.P.(MD)No.190 of 2026

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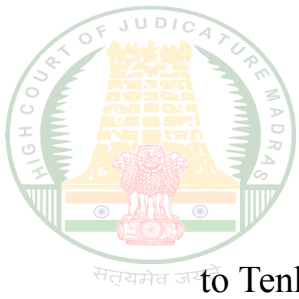
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.350 of 2025 from the file of the Principal Subordinate Court, Tenkasi, and transfer the same to the file of the Family Court, Thoothukudi.

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 06.06.2025 as per the Hindu rites and customs and that subsequently there arose some misunderstanding and they are living separately. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.350 of 2025 seeking restitution of conjugal rights and the same is pending on the file of the Principal Subordinate Court, Tenkasi.

4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Thoothukudi and finds it difficult to travel



Tr.C.M.P.(MD)No.190 of 2026

to Tenkasi to attend the hearings.

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5. The learned counsel appearing for the respondent would submit that the respondent is facing life threats from the petitioner's uncle and the respondent, in the petition for restitution of conjugal rights itself, has narrated about the alleged threats. But even according to the learned counsel appearing for the respondent, the respondent has not preferred any police complaint nor taken any action against the petitioner's uncle for the alleged threats.

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 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



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Tr.C.M.P.(MD)No.190 of 2026

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 above facts and circumstances and also taking note of the fact that the petitioner is residing at Thoothukudi, this Court is of the view that the case in H.M.O.P.No.350 of 2025 is ordered to be withdrawn from the file of the Principal Subordinate Court, Tenkasi, and transfer the same to the file of the Family Court, Thoothukudi. Accordingly, the learned Principal Subordinate Judge, Tenkasi, is hereby directed to transmit the entire records in H.M.O.P.No.350 of 2025 to the file of the Family Court, Thoothukudi, 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, Thoothukudi, is directed to take up the



Tr.C.M.P.(MD)No.190 of 2026

petition on file and proceed in accordance with law.

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8. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

08.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal Subordinate Judge,
Tenkasi.
2. The Judge,
Family Court,
Thoothukudi.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P.(MD)No.190 of 2026

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.190 of 2026
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Dated : 08.06.2026