



Tr.C.M.P.(MD)No.235 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 17.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.235 of 2026
and
C.M.P.(MD)No.5823 of 2026

Swathi

**... Petitioner/
Respondent**

Vs.

Manikandan

**... Respondent/
Petitioner**

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to pass an order withdrawing the H.M.O.P.No.178 of 2026 from the file of the Family Court, Tirupur and to transfer the same to the file of the III Additional Sub Court, Madurai.

For Petitioner : Mr.PT.S.Narendravasan

For Respondent : Mr.K.N.Vijayasenthil Kumar



Tr.C.M.P.(MD)No.235 of 2026

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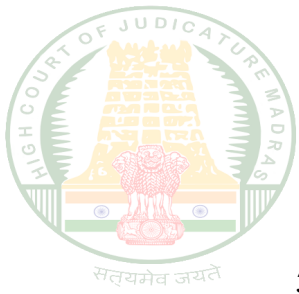
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.178 of 2026 from the file of the Family Court, Tirupur, and transfer the same to the file of the III Additional Sub Court, Madurai.

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

3. It is seen from the records that the marriage between the petitioner and the respondent was solemnized on 16.09.2021 and due to their wedlock, they were blessed with one male child now aged 1 year and that subsequently there arose some misunderstanding and they are living separately.

4. It is evident from the records that the respondent filed a petition in H.M.O.P.No.178 of 2026 seeking divorce and the same is pending on the file of the Family Court, Tirupur.



Tr.C.M.P.(MD)No.235 of 2026

WEB COPY

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Madurai along with her 1 year male child and finds it difficult to travel to Tirupur to attend the hearings.

6. The respondent filed a counter affidavit raising objections to transfer the case.

7. The learned counsel appearing for the respondent would submit that the petitioner has not assigned any valid reason or ground to transfer the case and hence, the respondent is objecting for transfer.

8. 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



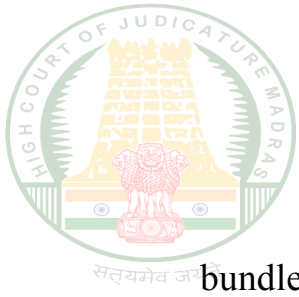
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Tr.C.M.P.(MD)No.235 of 2026

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."

9. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Madurai, this Court is of the view that the case in H.M.O.P.No.178 of 2026 is ordered to be withdrawn from the file of the Family Court, Tirupur, and transfer the same to the file of the III Additional Subordinate Court, Madurai. Accordingly, the learned Judge, Family Court, Tirupur, is hereby directed to transmit the entire records in H.M.O.P.No.178 of 2026 to the file of the III Additional Subordinate Court, Madurai, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case



Tr.C.M.P.(MD)No.235 of 2026

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bundle, the learned III Additional Subordinate Judge, 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. Consequently, connected Miscellaneous Petition is closed. No costs.

17.06.2026

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

To

1. The Judge,
Family Court,
Tirupur.
2. The III Additional Subordinate Judge,
Madurai.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P.(MD)No.235 of 2026

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.235 of 2026
and
C.M.P.(MD)No.5823 of 2026

Dated : 17.06.2026