

Tr.C.M.P(MD).No.206 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.206 of 2026
and
C.M.P(MD)No.4833 of 2026

K.Rahini

: Petitioner

Vs

Kanagarasu

: Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.159 of 2025 from the file of the Subordinate Court, Thuraiyur and transfer the same to the Sub Court, Kumbakonam, Thanjavur, District.

For Petitioner : Mr.A.Senthilkumar,

For Respondent : Mr.C.M.Arumugam,

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.159 of 2025 from the file of the Subordinate Court, Thuraiyur and transfer the same to the Sub Court, Kumbakonam, Thanjavur, District.



Tr.C.M.P(MD).No.206 of 2026

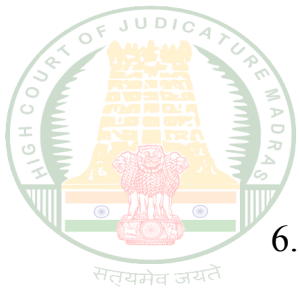
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2. It is not in dispute that the marriage between the parties was solemnized on 07.09.2005 as per Hindu rites and customs and due to their wed-lock, they were blessed with two children namely, Imayavaramban and Kopperundevi and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is also not in dispute that the respondent has filed a petition in H.M.O.P.No.159 of 2025, seeking divorce and the same is pending on the file of the Subordinate Court, Thuraiyur. He would submit that the petitioner is residing at Kumbakonam Taluk, Thanjavur District and finds it very difficult to travel to Thuraiyur along with two minor children to attend all the hearings.

4. The learned counsel for the respondent would submit that since the petitioner herself has stated that she is willing to join with the respondent, the matter may be referred to mediation.

5. The learned counsel for the petitioner would submit that the respondent is an Advocate and the petitioner is not willing to refer the matter for Mediation.



Tr.C.M.P(MD).No.206 of 2026

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 Kumbakonam Taluk, Thanjavur District, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.159 of 2025, is ordered to be withdrawn from the file of the



Tr.C.M.P(MD).No.206 of 2026

Subordinate Court, Thuraiyur and transfer the same to the Sub Court, Kumbakonam, Thanjavur District. The learned Subordinate Judge, Thuraiyur, is hereby directed to transmit the entire records in H.M.O.P.No.159 of 2025 to the file of the Sub Court, Kumbakonam, Thanjavur, 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, Kumbakonam Thanjavur 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.

15.06.2026

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



Tr.C.M.P(MD).No.206 of 2026

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To

- 1.The Subordinate Judge, Thuraiyur.
- 2.The Subordinate Judge,
Kumbakonam Thanjavur District.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.206 of 2026

K.MURALI SHANKAR, J.

DAS

Order made in
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