



Tr.C.M.P.(MD)No.220 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.220 of 2026
and
C.M.P.(MD)No.5333 of 2026

Roshini

**... Petitioner/
Respondent**

Vs.

Chandrakumar

**... Respondent/
Petitioner**

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.145 of 2026 from the file of the Family Court, Tiruppur and transfer the same to the file of the Family Court, Theni, for disposal of the same on merits in accordance with law.

For Petitioner : Mr.K.N.Vijayasenthil Kumar

For Respondent : M/s.K.Vidya



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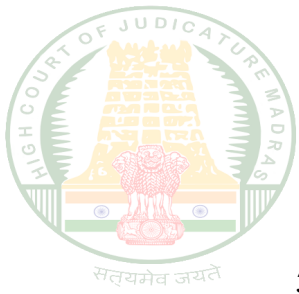
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.145 of 2026 from the file of the Family Court, Tiruppur, and transfer the same to the file of the Family Court, Theni.

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 22.08.2012 as per the Hindu rites and customs and due to their wedlock, they were blessed with two children, namely, Nishanth born in 2013 and Manisha Sri born in 13.11.2017 and that subsequently there arose some misunderstanding and they are living separately.

4. It is not in dispute that the respondent filed a petition in H.M.O.P.No.145 of 2026 seeking divorce and the same is pending on the file of the Family Court, Tiruppur.



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5. The learned counsel appearing for the petitioner would submit that the petitioner has laid a maintenance case and the same is yet to be taken on file. He would further submit that the petitioner is residing at Periyakulam Taluk, Theni District and finds it difficult to travel to Tiruppur to attend the hearings along with her two children.

6. The learned counsel appearing for the respondent would submit that the petitioner has purposely filed the above petition to cause harassment to the respondent and that the petitioner has not assigned any valid reason or ground for transferring the case.

7. 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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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."

8. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Periyakulam Taluk along with her children, this Court is of the view that the case in H.M.O.P.No. 145 of 2026 is ordered to be withdrawn from the file of the Family Court, Tiruppur, and transfer the same to the file of the Family Court, Theni. Accordingly, the learned Judge, Family Court, Tiruppur, is hereby directed to transmit the entire records in H.M.O.P.No.145 of 2026 to the file of the Family Court, Theni, 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,



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Family Court, Theni, is directed to take up the petition on file and proceed in accordance with law.

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

09.06.2026

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

To

1. The Judge,
Family Court,
Tiruppur.
2. The Judge,
Family Court,
Theni.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.220 of 2026
and
C.M.P.(MD)No.5333 of 2026

Dated : 09.06.2026