



Tr.C.M.P(MD).No.219 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 09.06.2026

Delivered on : 12.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

Tr.C.M.P (MD).No.219 of 2026

and

C.M.P(MD)No.5324 of 2026

G.Uma Devi

: Petitioner

Vs

G.Venkateswaran

: Respondent

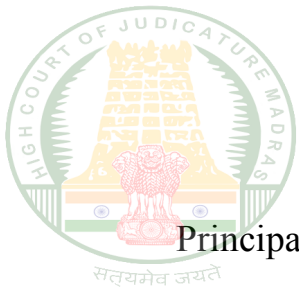
**Prayer :** This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No.80 of 2026 from the file of the VI Additional Principal Judge, Family Court, Chennai and transfer the same to the Sub Court, Kovilpatti, Thoothukudi District.

For Petitioner : Mr.S.Ramasamy,

For Respondent : Mr.R.Thenmozhi Shivaperumal.

### **ORDER**

The Civil Miscellaneous Petition has been filed seeking orders to withdraw the H.M.O.P.No.80 of 2026 from the file of the VI Additional



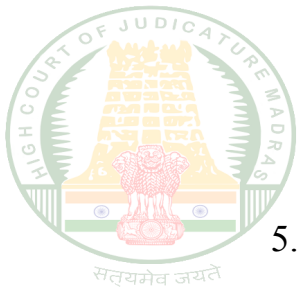
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Principal Judge, Family Court, Chennai and transfer the same to the Sub Court, Kovilpatti, Thoothukudi District.

2. It is not in dispute that the marriage between the parties was solemnized on 08.09.2019 as per Hindu rites and customs and due to their wed-lock, they were blessed with a male child namely, Shiju and that subsequently, there arose some misunderstanding between them and they are living separately. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.80 of 2026, seeking divorce on the ground of cruelty and desertion and the same is pending on the file of the VI Additional Principal Judge, Family Court, Chennai.

3. The respondent filed a counter affidavit raising objections.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Thoothukudi District and finds it difficult to travel to Chennai along with her child to attend the hearings and that since she has to travel approximately 1,100 kms both up and down, she was constrained to file the above transfer petition.



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5. The learned counsel for the respondent would submit that the respondent is working as a technician at IIT Madras; that his work schedule is very demanding and he is not in a position to take leave often to attend the Court hearings; that the petitioner alone had voluntarily left the matrimonial home and despite several mediation efforts and panchayat discussions, the petitioner was not ready to join with the respondent and hence, he was constrained to file the divorce petition; that even during counselling before the Family Court, Chennai, the petitioner's relatives, who accompanied her pulled the respondent's shirt and openly threatened him that if the respondent refused to live with the petitioner, they would harm both the respondent and his mother; that the respondent immediately sought the assistance of police and they warned them and directed them to leave the premises; that since the petitioner enjoys considerable support and influence in her native place, the respondent is having genuine apprehensions regarding his safety, if he requires to attend the proceedings at Kovilpatti and Chennai is safety for both the parties, that the respondent can very well avail virtual appearance facilities and there is no need for her to travel to Chennai to attend the hearings and that the petitioner with sole intention to delay the divorce proceedings and to cause harassment to the respondent filed the above transfer petition and therefore, the same is liable to be dismissed.

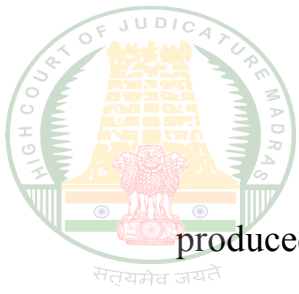


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**WEB COPY** 6. The learned counsel for the respondent would further submit that the respondent's mother is aged and bedridden and the respondent, being her only son, is required to take care of her and that therefore, he is not in a position to travel to Kovilpatti to attend the hearings by leaving his mother alone at Chennai.

7. However, it is not the case of the respondent that he is engaged in any essential or indispensable service requiring his presence on all days without exception, nor has he pleaded that he is not entitled to avail leave or obtain permission from his employer to attend the Court proceedings.

8. As rightly contended by the learned counsel for the petitioner, though the respondent has alleged that the petitioner's relative pulled his shirt and threatened him with dire consequences, including harm to himself and his mother, if he refused to live with the petitioner, admittedly no complaint has been lodged before the Police or before the Family Court where the matrimonial proceedings are pending. Though the respondent would contend that he had sought police assistance and that the police had warned the petitioner's relative, he has neither furnished any particulars in that regard nor



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produced any copy of the alleged complaint or any document evidencing such action. Despite claiming that he faces threats to his life if he visits Kovilpatti, the respondent has not initiated any proceedings before the competent authorities in the manner known to law.

9. It is also pertinent to note that, while the respondent has levelled serious allegations regarding the petitioner's alleged illicit relationship with another person, he has chosen to seek dissolution of marriage only on the grounds of cruelty and desertion.

10. The principal contention of the respondent is that he is required to take care of his aged and ailing mother. Merely because the respondent has an aged mother who is unwell, the same by itself cannot be a valid ground to reject the request of the wife for transfer, particularly when she has pleaded the hardship caused by the long distance involved and her inability to travel frequently with her minor child.

11. Though the respondent has filed a typed set of papers containing copies of bank statements, jewellery receipts and medical records, this Court is not concerned with the merits of the matrimonial dispute while deciding the

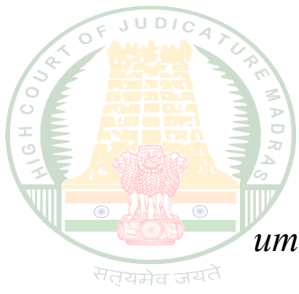


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present transfer petition. The respondent has also produced a copy of the representation allegedly submitted to the Registrar of IIT, Chennai, complaining of continuous harassment by the petitioner, as well as copies of certain WhatsApp messages said to contain threats. However, no material has been placed before this Court to show that any complaint was lodged before the Police or that any proceedings were initiated before the jurisdictional Criminal Court in respect of the alleged threats or harassment.

12. 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 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*



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*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."*

13. Considering the overall facts and circumstances of the case, and taking note of the fact that the petitioner is residing at Melamanthai, Thoothukudi District along with her five years old son and also considering the distance she has to travel from Thoothukudi to Chennai, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.80 of 2026, is ordered to be withdrawn from the file of the VI Additional Principal Judge, Family Court, Chennai and transfer the same to the Sub Court, Kovilpatti, Thoothukudi District. The learned VI Additional Principal Judge, Family Court, Chennai, is hereby directed to transmit the entire records in H.M.O.P.No.80 of 2026 to the file of the Sub Court, Kovilpatti, 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 Sub Judge, Kovilpatti, Thoothukudi, is directed to take up the petition on file and proceed in accordance with law.



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**WEB COPY** 14. 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

To

- 1.The VI Additional Principal Judge,  
Family Court, Chennai.
- 2.The Sub Court, Kovilpatti, Thoothukudi District.
- 3.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR, J.**

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Pre-delivery order made in  
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