



Tr.C.M.P.(MD)No.213 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.213 of 2026
and
C.M.P.(MD)No.5107 of 2026

R.Abinitha

... Petitioner

Vs.

R.Athiban Birla

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw and transfer the above petition in H.M.O.P.No.341 of 2026 from the file of the Family Court, Madurai, Madurai District to the Family Court, Srivilliputhur.

For Petitioner : M/s.K.Vidya

For Respondent : Mr.C.R.Kasi Viswanathan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



Tr.C.M.P.(MD)No.213 of 2026

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case in H.M.O.P.No.341 of 2026 from the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Srivilliputhur.

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 04.12.2022 as per the Hindu rites and customs and due to their wedlock, they were blessed with a 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.341 of 2026 seeking divorce and the same is pending on the file of the Family Court, Madurai.

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Rajapalayam Taluk, Virudhunagar District



Tr.C.M.P.(MD)No.213 of 2026

WEB COPY

along with her 1 year old child and finds it difficult to travel to Madurai 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 seriously objecting to the 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 other proceeding. In matrimonial matters, wherever



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Tr.C.M.P.(MD)No.213 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."

9. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at Rajapalayam Taluk, Virudhunagar District, this Court is of the view that the case in H.M.O.P.No.341 of 2026 is ordered to be withdrawn from the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Srivilliputhur. Accordingly, the learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in H.M.O.P.No. 341 of 2026 to the file of the Family Court, Srivilliputhur, 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, Srivilliputhur, is



Tr.C.M.P.(MD)No.213 of 2026

directed to take up the petition on file and proceed in accordance with law.

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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
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To

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



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Tr.C.M.P.(MD)No.213 of 2026

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.213 of 2026
and
C.M.P.(MD)No.5107 of 2026

Dated : 17.06.2026