

Tr.C.M.P(MD).No.229 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.229 of 2026
and
C.M.P(MD)No.5728 of 2026

B.Gayathiri

: Petitioner

Vs

N.Jawakar

: Respondent

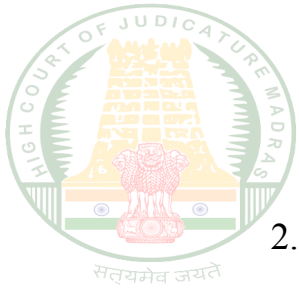
Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the petition in H.M.O.P.No.66 of 2026 from the file of the Sub Court, Kovilpatti, Tuticorin District and transfer the same to the file of the Sub Court, Sattur, Virudhunagar District.

For Petitioner : Mr.C.M.Arumugam,

For Respondent : Mr.R.Gowri Shankar,

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.66 of 2026 from the file of the Sub Court, Kovilpatti, Tuticorin District and transfer the same to the file of the Sub Court, Sattur, Virudhunagar District.



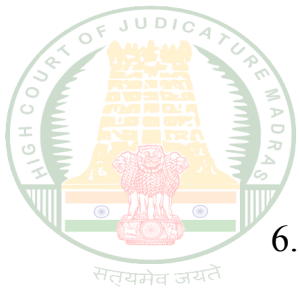
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2. It is not in dispute that the marriage between the parties was solemnized on 19.01.2025 as per Hindu rites and customs and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is also not in dispute that the respondent has filed a petition in H.M.O.P.No.66 of 2026, seeking divorce and the same is pending on the file of the Sub Court, Kovilpatti. He would submit that the petitioner is residing at Thoothukudi and finds it very difficult to travel to Kovilpatti to attend all the hearings.

4. The learned counsel for the respondent would submit that the respondent is facing life threats if he enters the limits of Thoothukudi District, he lodged a complaint before the Superintendent of Police in this regard.

5. Even according to the learned counsel for the respondent, the respondent has not lodged any complaint before the jurisdictional police or higher police officials nor any other action in the manner known to law.



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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.The learned counsel for the respondent would submit that the personal appearance may be dispensed with before the Court below.

8. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Virudhunagar District, this Court is



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inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.66 of 2026, is ordered to be withdrawn from the file of the Sub Court, Kovilpatti and transfer the same to the Sub Court, Sattur, Virudhunagar. The learned Subordinate Judge, Kovilpatti, is hereby directed to transmit the entire records in H.M.O.P.No.66 of 2026 to the file of the Sub Court, Sattur, Virudhunagar, 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, Sattur, Virudhunagar, 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 stands allowed. The respondent is at liberty to move the Sub Court, Sattur, Virudhunagar, for dispensation of personal appearance and upon such an application being filed, the learned trial Judge is directed to consider the same on its merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

15.06.2026

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



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To

- 1.The Subordinate Judge, Kovilpatti.
- 2.The Subordinate Judge, Sattur.
Virudhunagar.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
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