



Tr.C.M.P.(MD)No.238 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 19.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.238 of 2026
and
C.M.P.(MD)No.5954 of 2026

P.Balamurugeswari

**... Petitioner/
Respondent**

Vs.

K.Nagarajan

**... 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.206 of 2024 on the file of learned Sub Court, Virudhunagar and transfer the same to the learned Family Court, Trichy.

For Petitioner : Mr.N.Kamesh

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



Tr.C.M.P.(MD)No.238 of 2026

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case in H.M.O.P.No.206 of 2024 from the file of the Subordinate Court, Virudhunagar, and transfer the same to the file of the Family Court, Trichy.

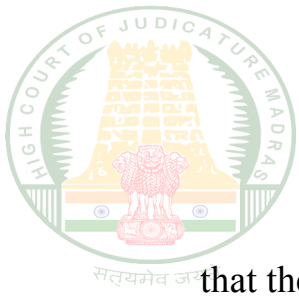
2. Despite receipt of Court notice as well as private notice, the respondent failed to enter into appearance.

3. Heard the learned counsel appearing for the petitioner.

4. It is seen from the records that the marriage between the petitioner and the respondent was solemnized on 09.09.2021 as per the Hindu rites and customs and due to their wedlock, they were blessed with one female child now aged 4 years and that subsequently there arose some misunderstanding and they are living separately.

5. It is evident from the records that the respondent filed a petition in H.M.O.P.No.206 of 2024 seeking restitution of conjugal rights and the same is pending on the file of the Subordinate Court, Virudhunagar.

6. The learned counsel appearing for the petitioner would submit



Tr.C.M.P.(MD)No.238 of 2026

WEB COPY

that the petitioner is residing at Trichy along with her 4 years old child and finds it difficult to travel to Virudhunagar to attend the hearings.

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 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



Tr.C.M.P.(MD)No.238 of 2026

WEB COPY

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 Trichy, this Court is of the view that the case in H.M.O.P.No.206 of 2024 is ordered to be withdrawn from the file of the Subordinate Court, Virudhunagar, and transfer the same to the file of the Family Court, Trichy. Accordingly, the learned Subordinate Judge, Virudhunagar, is hereby directed to transmit the entire records in H.M.O.P.No.206 of 2024 to the file of the Family Court, Trichy, 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, Trichy, 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.

19.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
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Tr.C.M.P.(MD)No.238 of 2026

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To

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



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Tr.C.M.P.(MD)No.238 of 2026

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.238 of 2026
and
C.M.P.(MD)No.5954 of 2026

Dated : 19.06.2026