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Tr.C.M.P(MD).No.308 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2026

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.308 of 2025
and
C.M.P(MD)No.7722 of 2025

K.Rajkeerthi

: Petitioner

Vs

T.Balamurugan

: Respondent

Prayer in Tr.C.M.P(MD) No. 308 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case in H.M.O.P.No.74 of 2025 from the file of the Family Court, Karur to the Family Court or any other competent Court, Salem.

For Petitioner : Mr.J.K.Dinesh

For Respondent : Mr.H.Vimal Prasad,
for Mr.C.Kishore.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw and transfer the case in H.M.O.P.No.74 of 2025 from the file of the Family Court, Karur to the Family Court or any other competent Court, Salem.



Tr.C.M.P(MD).No.308 of 2025

2. It is not in dispute that the marriage between the parties was solemnized on 21.01.2024 as per Hindu Rites and customs and subsequently, there arose some misunderstanding between them and they are living separately. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.74 of 2025, seeking divorce and the same is pending on the file of the Family Court, Karur.

3. The respondent filed a counter affidavit disputing the petitioner's averments and further stated that the petitioner has been threatening him with dire consequences whenever he visits Salem.

4. The learned counsel on either side would submit that the above facts stated in the counter affidavit had already been brought to the notice of this Court earlier, this Court directed the both parties to file undertaking affidavits stating that they will not cause any threats to each other while attending the Court and in pursuance of the same, they have filed undertaking affidavits.

5. The petitioner filed the affidavit stating that the petitioner undertakes that "herself and her family members will not threaten or intimidate, molest, liberty or peaceful existence of the respondent in the manner whatsoever." The



Tr.C.M.P(MD).No.308 of 2025

respondent has also filed the affidavit undertakes that neither the respondent nor his family members will not pose any threat to the petitioner or her in-laws during their presence at Salem.

6.The learned counsel for the petitioner would submit that the petitioner is residing at Salem and finds it very difficult to travel to Karur to attend all 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



Tr.C.M.P(MD).No.308 of 2025

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 facts and circumstances of the case and taking note of the undertaking affidavits filed by both the parties, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.74 of 2025, is ordered to be withdrawn from the file of the Family Court, Karur and transfer the same to the Family Court, Salem. The learned Judge, Family Court, Karur, is hereby directed to transmit the entire records in H.M.O.P.No.74 of 2025 to the file of the Family Court, Salem, 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, Salem, 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. Consequently, connected Miscellaneous Petition is closed. No costs.

25.03.2026

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Tr.C.M.P(MD).No.308 of 2025

To

- 1.The Family Court, Karur.
- 2.The Family Court, Salem.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.308 of 2025

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.308 of 2025
and
C.M.P(MD)No.7722 of 2025

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