



Tr.C.M.P.(MD)No.414 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.03.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.414 of 2025

and

C.M.P.(MD)No.11214 of 2025

R.Lepsiya

... Petitioner/
Respondent

Vs.

Amalraj

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case pending on the file of the Principal District Court, Pudukottai in I.D.O.P.No.38 of 2025 and transfer the same to the file of the District Court, Thanjavur.

For Petitioner : Mr.R.Bharathi

For Respondent : Mr.N.Kamesh



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case from the file of the Principal District Court, Pudukottai, in I.D.O.P.No.38 of 2025 and transfer the same to the file of the Family Court, Thanjavur.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 11.02.2022 and that subsequently there arose some misunderstanding and they are living separately. It is also not in dispute that the respondent has filed a petition in I.D.O.P.No.38 of 2025 seeking divorce and the same is pending on the file of the Principal District Court, Pudukottai.

4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Kollukkadu, Pattukkottai Taluk, Thanjavur



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District and finds it difficult to travel to Pudukkottai to attend the hearings.

5. The learned counsel appearing for the respondent would submit that they are not having any objections to transfer the case but would submit that the respondent's presence may be dispensed with before the trial Court.

6. 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



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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. Considering the above facts and circumstances and also taking note of the no objection stated by the learned counsel appearing for the respondent, this Court is of the view that the case in I.D.O.P.No.38 of 2025 is ordered to be withdrawn from the file of the Principal District Court, Pudukkottai, and transfer the same to the file of the Family Court, Thanjavur. Accordingly, the learned Principal District Judge, Pudukkottai, is hereby directed to transmit the entire records in I.D.O.P.No.38 of 2025 to the file of the Family Court, Thanjavur, 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, Thanjavur, is directed to take up the petition on file and proceed in accordance with law.

8. With the above direction, the Transfer Civil Miscellaneous



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Petition is allowed. The respondent is at liberty to approach the Family Court, Thanjavur requesting for dispensing with his personal appearance and on such requisition, the learned Judge is directed to consider the same. Consequently, connected Miscellaneous Petition is closed. No costs.

10.03.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal District Judge,
Pudukkottai.
2. The Judge,
Family Court,
Thanjavur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

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Dated : 10.03.2026