



Tr.C.M.P(MD).No.493 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.493 of 2024
and
C.M.P(MD)No.11659 of 2024

V.S.Ajitha Kumari

: Petitioner

Vs

1.M.Ramesh

2.The Sub Registrar,
Sub Registrar Office,
Colachel, Kanyakumari District.

: Respondents

Prayer in Tr.C.M.P(MD) No. 493 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case in O.P.No.4564 of 2023 from the file of the Principal Judge, Family Court, Chennai to the Family Court, Nagercoil, Kanyakumari.

For Petitioner : Mr.B.Brijesh Kishore.

For Respondents : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw and transfer the case in O.P.No.4564 of 2023 from the file of the



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Principal Judge, Family Court, Chennai to the Family Court, Nagercoil,
Kanyakumari.

2. It is not in dispute that the marriage between the parties was solemnized on 09.02.2014 and due to their wed-lock, they were blessed with a male child and subsequently, there arose some misunderstanding between them and they are living separately. It is not in dispute that the first respondent has filed a petition in O.P.No.4564 of 2023, seeking divorce and the same is pending on the file of the Principal District Judge, Family Court, Chennai.

3. It is evident from the records that when the matter was taken up for hearing on 11.03.2026, there was no representation for the respondents and hence, the matter was adjourned to 25.03.2026 finally. Even today, there is no representation for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Kanyakumari District along with her 10 years old boy and finds it very difficult to travel to Chennai to attend all the hearings.



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4. 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 considering transfer.”, the bench observed.”

5. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Kanyakumari District, this Court is inclined to allow this petition. Accordingly, the petition in O.P.No.4564 of 2023, is ordered to be withdrawn from the file of the Principal District Judge,



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Family Court, Chennai and transfer the same to the file of the Family Court, Nagercoil, Kanyakumari District. The learned Principal District Judge, Family Court, Chennai, is hereby directed to transmit the entire records in O.P.No.4564 of 2023 to the file of the Family Court, Nagercoil, Kanyakumari District, 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, Nagercoil, Kanyakumari District, is directed to take up the petition on file and proceed in accordance with law.

6. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.
No costs.

25.03.2026

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



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To

- 1.The Principal District Judge,
Family Court, Chennai.
- 2.The Family Court, Nagercoil, Kanyakumari District.
- 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
Tr.C.M.P (MD).No.493 of 2024
and
C.M.P(MD)No.11659 of 2024

25.03.2026