



Tr.C.M.P.(MD)No.493 of 2025

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.493 of 2025
and
C.M.P.(MD)No.13797 of 2025

S.Rekka

... Petitioner

Vs.

T.Suresh

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case bearing H.M.O.P.No.226 of 2025 on the file of the Family Court, Dindigul District and subsequently transfer the same to the file of the Family Court, Madurai District forthwith.

For Petitioner : Mr.Backiyaraj

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



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case in H.M.O.P.No.226 of 2025 from the file of the Family Court, Dindigul, and transfer the same to the file of the Family Court, Madurai.

2. When the matter was taken up on 11.06.2026, since there was no representation for the respondent, posted the matter to 18.06.2026. Even today (19.06.2026), there is no representation for the respondent.

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 08.06.2017 as per the Hindu rites and customs and due to their wedlock, they were blessed with a male child namely S.Pranieth now studying 2nd standard in FUSCO School at Vadipatti 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.226 of 2025 seeking divorce and the same is pending on the file of the Family Court, Dindigul and that the petitioner filed a



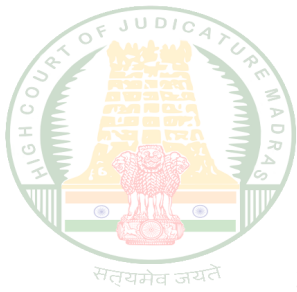
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petition in H.M.O.P.No.62 of 2025 seeking restitution of conjugal rights and the same is pending on the file of the Principal Subordinate Court, Madurai and she has also laid a maintenance claim in M.C.No.50 of 2025 and the same is pending on the file of the Judicial Magistrate, Vadipatti.

6. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Vadipatti, Madurai District along with her minor child and finds it difficult to travel to Dindigul to attend the hearings.

7. As already pointed out, there is no representation for the respondent, but the respondent has filed a counter affidavit raising objections to transfer the case. In the counter affidavit, it has been stated that the petitioner will not be put to irreparable loss to attend the hearing in Dindigul Family Court as the distance is only 30 kms. But the fact remains that the respondent has been appearing for the proceedings in H.M.O.P.No.62 of 2025 and M.C.No.50 of 2025 before the Courts at Madurai.



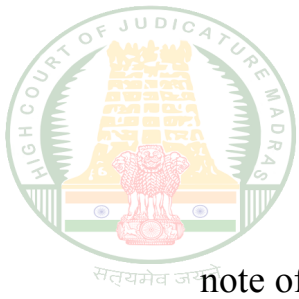
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8. In the case of ***N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha*** reported in ***2022 Live Law (SC) 627***, the Hon'ble Supreme Court has reiterated the position with generally, it is the wife's convenience, which must be looked at while considering 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.”

9. Considering the above facts and circumstances and also taking



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note of the fact that the petitioner is residing at Vadipatti, Madurai District, this Court is of the view that the case in H.M.O.P.No.226 of 2025 is ordered to be withdrawn from the file of the Family Court, Dindigul, and transfer the same to the file of the Family Court, Madurai. Accordingly, the learned Judge, Family Court, Dindigul, is hereby directed to transmit the entire records in H.M.O.P.No.226 of 2025 to the file of the Family Court, Madurai, 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, Madurai, is directed to take up the petition on file and proceed in accordance with law.

10. 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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To

1. The Judge,
Family Court,
Dindigul.

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K.MURALI SHANKAR,J.

csn

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

Order made in
Tr.C.M.P.(MD)No.493 of 2025
and
C.M.P.(MD)No.13797 of 2025

Dated : 19.06.2026