



Tr.C.M.P.(MD)No.678 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.678 of 2022
and
C.M.P.(MD)No.10851 of 2022

Selvarani

... Petitioner/
Respondent

Vs.

Jeyamani

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.243 of 2019 on the file of Family Court, Madurai and transfer the same to Family Court, Coimbatore for disposal.

For Petitioner : Mr.B.Muneeswaran

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



Tr.C.M.P.(MD)No.678 of 2022

case from the file of the Family Court, Madurai, in H.M.O.P.No.243 of 2019 and transfer the same to the file of the Family Court, Coimbatore.

2. It is seen from the records that paper publication was effected and service was held sufficient for the respondent. Despite printing the name of the respondent in the cause list, he has not turned up.

3. Heard the learned counsel appearing for the petitioner.

4. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 25.03.2010 as per the Hindu Rites and Customs and that subsequently there arose some misunderstanding and they are living separately. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.243 of 2019 seeking divorce and the same is pending on the file of the Family Court, Madurai.

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Coimbatore and finds it difficult to travel to Madurai to attend the hearings along with her 14 years old female child.



Tr.C.M.P.(MD)No.678 of 2022

WEB COPY

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 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



Tr.C.M.P.(MD)No.678 of 2022

note of the fact that the petitioner is residing at Coimbatore, this Court is of the view that the case in H.M.O.P.No.243 of 2019 is ordered to be withdrawn from the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Coimbatore. Accordingly, the learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in H.M.O.P.No.243 of 2019 to the file of the Family Court, Coimbatore, 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, Coimbatore, is directed to take up the petition on file and proceed in accordance with law.

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

26.03.2026

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



Tr.C.M.P.(MD)No.678 of 2022

WEB COPY **To**

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



WEB COPY



Tr.C.M.P.(MD)No.678 of 2022

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.678 of 2022
and
C.M.P.(MD)No.10851 of 2022

Dated : 26.03.2026