



Tr.C.M.P.(MD)No.637 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.637 of 2024
and
C.M.P.(MD)No.15242 of 2024

C.Kokila

... Petitioner/
Respondent

Vs.

N.Sabanayagan

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.107 of 2023 on the file of the Principal Sub Court, Palani, Dindigul District and transfer the same to the Family Court, Theni.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.S.Muniyandi

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



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case from the file of the Principal Subordinate Court, Palani, Dindigul District, in H.M.O.P.No.107 of 2023 and transfer the same to the file of the Family Court, Theni.

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 08.09.2013 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 petitioner has laid the maintenance claim in M.C.No.12 of 2024 and the same is pending on the file of the Family Court, Theni and that the respondent filed a petition in H.M.O.P.No.107 of 2023 seeking divorce and the same is pending on the file of the Principal Subordinate Court, Palani.

4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Aranmanaipudur, Theni Taluk and finds it difficult to travel to Palani to attend the hearings.



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5. The learned counsel appearing for the respondent would submit that they have objections to transfer the case; however, no specific grounds have been stated.

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.”



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7. Considering the above facts and circumstances and also taking note of the fact that the respondent has been attending the proceedings in M.C.No.12 of 2024 before the Family Court, Theni, this Court is of the view that the case in H.M.O.P.No.107 of 2023 is ordered to be withdrawn from the file of the Principal Subordinate Court, Palani, and transfer the same to the file of the Family Court, Theni. Accordingly, the learned Principal Subordinate Judge, Palani, is hereby directed to transmit the entire records in H.M.O.P.No.107 of 2023 to the file of the Family Court, Theni, 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, Theni, 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.

12.03.2026

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



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To

1. The Principal Subordinate Judge,
Palani,
Dindigul District.
2. The Judge,
Family Court,
Theni.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.637 of 2024
and
C.M.P.(MD)No.15242 of 2024

Dated : 12.03.2026