

Tr.C.M.P(MD).No.686 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P(MD) No.686 of 2024

and

C.M.P(MD) No. 16398 of 2024

Angel Jebarani

: Petitioner

Vs

Stephen

: Respondent

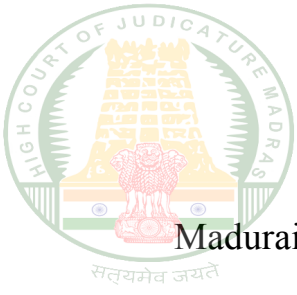
Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw the I.D.O.P. No.1092 of 2024 from the file of the Family Court, Madurai and transfer the same to the Family Court, Virudhunagar District at Srivlliputhur.

For Petitioner : Mr.S.Ayyanar Prem Kumar,

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the I.D.O.P. No.1092 of 2024 from the file of the Family Court,



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Madurai and transfer the same to the Family Court, Virudhunagar District at Srivilliputhur.

2. Despite receipt of notice and printing the name in the cause list, the respondent has failed to enter into appearance.

3. It is evident from the records that the marriage between the parties was solemnized on 06.08.2019 as per Christian rites and customs and due to their wed-lock, they were blessed with one female child and that subsequently, there arose some misunderstanding between them and they are living separately.

4. It is not in dispute that the respondent has filed a petition in I.D.O.P.No.1092 of 2024, seeking divorce and the same is pending on the file of the Family Court, Madurai. He would further submit that the petitioner is residing at Sivakasi and finds it very difficult to travel to Madurai along with female child to attend all the hearings.

5. As already pointed out, despite receipt of notice, the respondent has not chosen to enter into appearance.



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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 facts and circumstances of the case and taking note of the fact that the petitioner is residing at Sivakasi, this Court is inclined to allow this petition. Accordingly, the petition in I.D.O.P.No.1092 of 2024, is



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ordered to be withdrawn from the file of the Family Court, Madurai and transfer the same to the Family Court, Srivilliputhur, Virudhunagar District.

The learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in I.D.O.P.No.1092 of 2024 to the file of the Family Court, Srivilliputhur, Virudhunagar 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, Srivilliputhur, Virudhunagar District, 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 stands allowed. Consequently, connected Miscellaneous Petition is closed.
No costs.

09.06.2026

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



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To

- 1.The Family Court, Madurai.
- 2.The Family Court, Srivilliputhur, Virudhunagar 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
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and
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