



Tr.C.M.P(MD).No.568 of 2025

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.568 of 2025
and
C.M.P(MD)No.15688 of 2025

Divya ... Petitioner

Vs.

T.N.Arun ... Respondent

PRAYER in TR.CMP(MD)No.568 of 2025: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.90 of 2025 from the file of Subordinate Court, Trichy and transfer the same to the Family Court, Salem.

For Petitioner : Mr.M.Musthafa Khan

For Respondent : Mr.R.Mohana Sundaram

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.90 of 2025 from the file of the Subordinate Court, Trichy and transfer the same to the Family Court, Salem.



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2. It is not in dispute that the marriage between the parties was solemnized on 10.07.2024 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 respondent has filed a petition in H.M.O.P.No.90 of 2025, seeking restitution of conjugal rights and the same is pending on the file of the Principal Subordinate Court, Trichy. It is also not in dispute that the petitioner has filed maintenance claim in M.C.No.89 of 2024 and the same is pending on the file of the Family Court, Salem.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Salem and finds it very difficult to travel to Trichy to attend all the hearings.

4. The learned counsel appearing for the respondent would submit that they are having objections, but they have not specified any serious objections.

5. 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



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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.”

6.Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Salem, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.90 of 2025, is ordered to be withdrawn from the file of the Subordinate Court, Trichy and transfer the same to the file of the Family Court, Salem. The learned Subordinate Judge, Trichy, is hereby directed to transmit the entire records in H.M.O.P.No.90 of 2025 to the file of the Family Court, Salem, within a period of 10 days from



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the date of receipt of a copy of this order and on receiving the case bundle, the learned Judge, Family Court, Salem, is directed to take up the petition on file and proceed in accordance with law.

7. 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 Subordinate Court, Trichy.
- 2.The Family Court, Salem.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.568 of 2025
and
C.M.P(MD)No.15688 of 2025

25.03.2026