



Tr.C.M.P(MD).No.576 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.576 of 2025
and
C.M.P(MD)No.16165 of 2025

Ayisha Mufsira : Petitioner
Vs

Mohammed Mujammel : Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.25 of 2025 from the file of the Family Court, Dindigul, and transfer the same to the Family Court, Tirunelveli.

For Petitioner : Mr.S.Arunnithy

For Respondent : Mr.P.Pandia Rajan

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.25 of 2025 from the file of the Family Court, Dindigul, and transfer the same to the Family Court, Tirunelveli.



Tr.C.M.P(MD).No.576 of 2025

WEB COPY

2. It is evident from the records that the marriage between the parties was solemnized on 09.02.2026 as per Muslim Rites and customs and subsequently, there arose some misunderstanding between them and they are living separately.

3. It is not in dispute that the respondent has filed a suit in O.S.No.25 of 2025, seeking divorce and the same is pending on the file of the Family Court, Dindigul.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Tirunelveli and finds it very difficult to travel to Dindigul to attend all the hearings.

5. The learned counsel for the respondent would submit that the petitioner is now studying at Chengalpattu and that she has been travelling without any assistance and that therefore, the present contention of the petitioner cannot be accepted.

6. But the learned counsel for the petitioner would submit that the petitioner has already completed PG course - MD (Naturopathy) and now she



Tr.C.M.P(MD).No.576 of 2025

is practising at Tirunelveli. Moreover, even according to the respondent, the respondent is working at Uttar Pradesh.

7. 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.”



Tr.C.M.P(MD).No.576 of 2025

8. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Tirunelveli District, this Court is inclined to allow this petition. Accordingly, the suit in O.S.No.25 of 2025, is ordered to be withdrawn from the file of the Family Court, Dindigul and transfer the same to the Family Court, Tirunelveli. The learned Judge, Family Court, Dindigul, is hereby directed to transmit the entire records in O.S.No.25 of 2025 to the file of the Family Court, Tirunelveli, 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, Tirunelveli, is directed to take up the suit on file and proceed in accordance with law.

9. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.
No costs.

08.04.2026

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



WEB COPY



Tr.C.M.P(MD).No.576 of 2025

To

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



WEB COPY



Tr.C.M.P(MD).No.576 of 2025

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.576 of 2025
and
C.M.P(MD)No.16165 of 2025

08.04.2026