



Tr.C.M.P(MD).No.49 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P(MD) No.49 of 2026
and C.M.P(MD) No. 989 of 2026

Alagujeevitha

: Petitioner

Vs

P.V.Sathyamoorthy

: Respondent

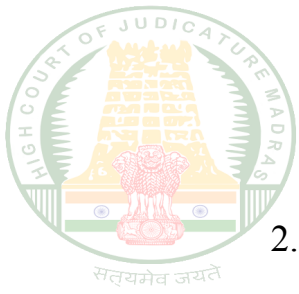
Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and to transfer the H.M.O.P. No.654 of 2024 from the file of District Family Court, Tiruchirapalli to the Family Court, Sivagangai.

For Petitioner : Mr.R.Rajeshkumar

For Respondent : Mr.S.Pattabiraman

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.654 of 2024 from the file of the District Family Court, Tiruchirapalli to the Family Court, Sivagangai.



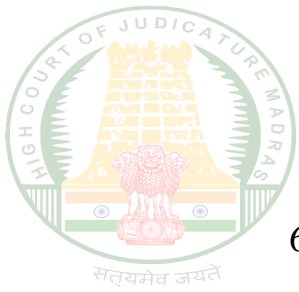
Tr.C.M.P(MD).No.49 of 2026

2. It is evident from the records that the marriage between the parties was solemnized on 10.02.2019 as per Hindu rites and customs and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.654 of 2024, seeking restitution of conjugal rights and the same is pending on the file of the District Family Court, Trichirappalli. He would further submit that the petitioner is residing at Sivagangai 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 the respondent has been facing threats whenever he appears for hearings at Sivagangai and that the petitioner is drawing a monthly salary of Rs.1,00,000/-, whereas the respondent is earning only Rs.49,000/- per month.

5. However, even according to the learned counsel appearing for the respondent, no complaint has been lodged by the respondent with regard to the alleged threats to his life. It is not in dispute that the matter was referred to mediation and that the mediation proceedings ultimately ended in failure.



Tr.C.M.P(MD).No.49 of 2026

6. In the case of **N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha**

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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 Sivagangai, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.654 of 2024, is ordered to be withdrawn from the file of the District Family Court,



Tr.C.M.P(MD).No.49 of 2026

Trichyrapalli and transfer the same to the Family Court, Sivagangai. The learned Judge, District Family Court, Trichy, is hereby directed to transmit the entire records in H.M.O.P.No.654 of 2024 to the file of the Family Court, Sivagangai, 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, Sivagangai, 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.

02.06.2026

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



Tr.C.M.P(MD).No.49 of 2026

WEB COPY

To

- 1.The District Family Court, Trichy.
- 2.The Family Court, Sivagangai.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.49 of 2026

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P(MD) No.49 of 2026
and C.M.P(MD) No. 989 of 2026

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