



Tr.C.M.P(MD).No.663 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.663 of 2025

and

C.M.P(MD)Nos.19427 and 19428 of 2025

K.Murugalakshmi

: Petitioner

Vs

S.Karumariraja

: Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.218 of 2025 from the file of the Sub Court, Kovilpatti, and transfer the same to the Family Court, Tirunelveli.

For Petitioner : Mr.J.Jeyakumaran,

For Respondent : Mr.M.Prabhu

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.218 of 2025 from the file of the Sub Court, Kovilpatti, and transfer the same to the Family Court, Tirunelveli.



Tr.C.M.P(MD).No.663 of 2025

WEB COPY

2. It is evident from the records that the marriage between the parties was solemnized on 16.03.2011 as per Hindu Rites and customs and due to their wed-lock they were blessed with a male child Sethurajan and a female child Karumari Karthiga 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 petition in H.M.O.P.No.218 of 2025, seeking restitution of conjugal rights and the same is pending on the file of the Sub Court, Kovilpatti; that the petitioner has laid maintenance claim in M.C.No.8 of 2025 and the same is pending on the file of the Family Court, Tirunelveli and she has also initiated the proceedings under the Domestic Violence Act and the same is pending in D.V.C.No.30 of 2025 on the file of the Judicial Magistrate No.IV, Tirunelveli.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Tirunelveli Town along with two children and finds it very difficult to travel to Kovilpatti to attend all the hearings.



Tr.C.M.P(MD).No.663 of 2025

5. The learned counsel for the respondent would submit that the distance between Tirunelveli and Kovilpatti is 50 kilometers only and that the above petition is only to harass the respondent.

6. But the fact remains that the respondent has been attending the hearings in both the maintenance case and the DVC proceedings at Tirunelveli.

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



Tr.C.M.P(MD).No.663 of 2025

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."

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 petition in H.M.O.P.No.218 of 2025, is ordered to be withdrawn from the file of the Sub Court, Kovilpatti and transfer the same to the Family Court, Tirunelveli. The learned Judge, Sub Court, Kovilpatti, is hereby directed to transmit the entire records in H.M.O.P.No.218 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 petition on file and proceed in accordance with law.

8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

No costs.

02.04.2026

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



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Tr.C.M.P(MD).No.663 of 2025

To

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



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Tr.C.M.P(MD).No.663 of 2025

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.663 of 2025
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02.04.2026