



Tr.C.M.P.(MD)Nos.608 and 609 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 12.03.2026

Pronounced on : 02.04.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)Nos.608 and 609 of 2025
and
C.M.P.(MD)Nos.17405 and 17406 of 2025

Madhubala

... Petitioner in both
the petitions

Vs.

R.Navvin Ram

... Respondent in
both the petitions

Common Prayer : These Transfer Civil Miscellaneous Petitions filed under Section 24 C.P.C., to withdraw the cases H.M.O.P.Nos.1251 of 2024 and 533 of 2024 on the file of the Family Court, Madurai, Madurai District and to transfer the same to on file of Subordinate Court, Melur, Madurai District for adjudication.

(in both the petitions)

For Petitioner : Mr.T.Venkatesan

For Respondent : Mr.R.Ramasamy



Tr.C.M.P.(MD)Nos.608 and 609 of 2025

WEB COPY

COMMON ORDER

The above two transfer petitions are filed to withdraw the cases from the file of the Family Court, Madurai, in H.M.O.P.Nos.1251 of 2024 and 533 of 2024 and transfer the same to the file of the Subordinate Court, Melur, Madurai District.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 12.09.2022 at Gurukrishna Kalyana Mahal, Palanganatham, Madurai, as per the Hindu Rites and Customs and that subsequently there arose some misunderstanding between them and they are living separately.

4. It is not in dispute that the respondent filed a petition claiming divorce in H.M.O.P.No.533 of 2024 and the same is pending on the file of the Family Court, Madurai. It is also not in dispute that the petitioner has also filed a petition in H.M.O.P.No.1251 of 2024 seeking restitution of



Tr.C.M.P.(MD)Nos.608 and 609 of 2025

conjugal rights and the same is also pending on the file of the Family Court, Madurai.

5. It is not in dispute that the petitioner has initiated proceedings under the Domestic Violence Act in D.V.C.No.12 of 2025 and the maintenance case in M.C.No.18 of 2025 and that the same are pending before the Court of the Judicial Magistrate, Melur.

6. It is evident from the records that the respondent filed a petition in CrI.O.P.(MD)No.15844 of 2025 seeking transfer of the case in M.C.No. 18 of 2025 from the file of the Judicial Magistrate, Melur to the file of the Family Court, Madurai and this Court, by observing that two HMOPs are pending on the file of the Family Court, Madurai and all these cases including the petition filed by the respondent before the Judicial Magistrate, Melur, have to be tried together, has granted an order of interim stay for further proceedings in M.C.No.18 of 2025 on the file of the Judicial Magistrate Court, Melur.

7. The learned counsel appearing for the petitioner would submit



Tr.C.M.P.(MD)Nos.608 and 609 of 2025

that the petitioner is now residing at Melur, Madurai District along with her parents and and finds it difficult to travel to Madurai to attend the hearings.

8. The learned counsel appearing for the respondent would submit that the respondent had earlier filed a transfer petition seeking transfer of the maintenance case from the Judicial Magistrate Court, Melur, to the Family Court, Madurai, to be tried along with the two HMOPs pending in CrI.O.P.(MD) No.15844 of 2025. It is further contended that the present transfer petitions filed by the petitioner, seeking transfer to the Subordinate Court, Melur, are only an afterthought, motivated by vindictiveness. According to the learned counsel, the petitioner is residing at Melur, which is at a distance of about 20 kilometres from Madurai, and her father, who is working as a Head Postmaster at Madurai, is commuting daily from Melur to Madurai Head Post Office. It is therefore contended that the petitioner has filed the present petitions with a view to harass the respondent, and that no prejudice would be caused to the petitioner if the HMOPs are proceeded with before the Family Court, Madurai.



Tr.C.M.P.(MD)Nos.608 and 609 of 2025

WEB COPY

9. It is pertinent to note that both the petitioner and the respondent have levelled allegations and counter allegations against each other. However, having regard to the nature and scope of the present transfer petitions, this Court is not inclined to go into the merits of such rival allegations at this stage.

10. As already pointed out, proceedings initiated under the Domestic Violence Act in D.V.C.No.12 of 2025 and the maintenance case in M.C.No.18 of 2025 are pending before the Court of the Judicial Magistrate, Melur and that the respondent has been appearing in those proceedings.

11. The learned counsel appearing for the respondent would contend that the petitioner herself filed the petition for restitution of conjugal rights before the Family Court, Madurai and now she is seeking transfer of her own case to Melur. But according to the learned counsel appearing for the petitioner, the petitioner is now residing with her parents and she is practising as a Dentist at Melur and she finds it difficult to travel to Madurai to attend the hearings.



Tr.C.M.P.(MD)Nos.608 and 609 of 2025

WEB COPY

12. 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.”

13. Considering the entire facts and circumstances of the case and taking note of the fact that the respondent has been attending the cases



Tr.C.M.P.(MD)Nos.608 and 609 of 2025

WEB COPY

before the Court of the Judicial Magistrate, Melur, this Court is of the view that the cases in H.M.O.P.Nos.1251 of 2024 and 533 of 2024 are ordered to be withdrawn from the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Melur, Madurai District. Accordingly, the learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in H.M.O.P.Nos.1251 of 2024 and 533 of 2024 to the file of the Subordinate Court, Melur, Madurai District, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundles, the learned Subordinate Judge, Melur, Madurai District, is directed to take up the petitions on file and proceed in accordance with law.

14. With the above direction, these Transfer Civil Miscellaneous Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed. No costs.

02.04.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
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Tr.C.M.P.(MD)Nos.608 and 609 of 2025

K.MURALI SHANKAR,J.

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To

- 1.The Judge,
Family Court, Madurai.
- 2.The Subordinate Judge,
Melur, Madurai District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-Delivery Common Order made in
Tr.C.M.P.(MD)Nos.608 and 609 of 2025
and
C.M.P.(MD)Nos.17405 and 17406 of 2025

Dated : 02.04.2026