



Tr.C.M.P(MD).No.636 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.636 of 2025
and
C.M.P(MD)No.18434 of 2025

S.Ambika : Petitioner
Vs

H.Paramaguru : Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.2165 of 2024 from the file of the Family Court, Coimbatore, and transfer the same to the Family Court, Tuticorin.

For Petitioner : Mr.H.Mahamed Hussain,

For Respondent : Mr.J.Ashok.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P. No.2165 of 2024 from the file of the Family Court, Coimbatore, and transfer the same to the Family Court, Tuticorin.



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2. It is evident from the records that the marriage between the parties was solemnized on 13.06.2019 as per Hindu rites and customs and due to their wed-lock they were blessed with a female child now aged about 5 years 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.2165 of 2024, seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Coimbatore.

4. The learned counsel for the petitioner would submit that their five years old female child is suffering from cancer, and she has to be taken for treatment every month. He would further submit that the petitioner is residing at Tiruchendur and she finds it very difficult to travel to Coimbatore to attend the hearings.

5. The learned counsel for the respondent would submit that the respondent is ready to live with the petitioner, but the petitioner alone has refused and that is why, he was constrained to file the above petition seeking restitution of conjugal rights.



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6. 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.”

7. Considering the facts and circumstances of the case, and taking note of the fact that the petitioner is residing at Tiruchendur Taluk, Tuticorin District, and that she has to take care of her five years old child suffering from cancer, this Court is inclined to allow this petition. Accordingly, the petition in



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H.M.O.P.No.2165 of 2024, is ordered to be withdrawn from the file of the Family Court, Coimbatore and transfer the same to the Family Court, Tuticorin. The learned Judge, Family Court, Coimbatore, is hereby directed to transmit the entire records in H.M.O.P.No.2165 of 2024 to the file of the Family Court, Tuticorin, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case records, the learned Judge, Family Court, Tuticorin, 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 Petition is closed.
No costs.

15.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

1.The Family Court, Coimbatore.

2.The Family Court, Tuticorin.

3.The Section Officer,

VR Section, Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.636 of 2025
and
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