



Tr.C.M.P(MD).No.627 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2026

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.627 of 2025

and

C.M.P(MD)Nos.18250 and 18252 of 2025

Ananthalakshmi

: Petitioner

Vs

Kumar

: Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.62 of 2025 from the file of the Sub Court, Thirumayam, Pudukkottai District and transfer the same to the Sub Court, Thirumangalam , Madurai District.

For Petitioner : Mr.S.Prabhu

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P. No.62 of 2025 from the file of the Sub Court, Thirumayam, Pudukkottai District and transfer the same to the Sub Court, Thirumangalam, Madurai District.



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2. It is evident from the records that the marriage between the parties was solemnized on 30.08.2020 as per Hindu Rites and customs and due to their wed-lock, they were blessed with a male child 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.62 of 2025, seeking divorce and the same is pending on the file of the Sub Court, Thirumayam, Pudukkottai District and that the petitioner has laid maintenance claim in M.C.No.26 of 2025 and the same is pending on the file of the Judicial Magistrate Court, Thirumangalam, Madurai District.

4. When the matter was taken up on 01.04.2026, despite receipt of Court notice as well as private notice, and printing the name of the respondent in the cause list, the respondent has not turned up. Even today, there is no representation for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner is residing at Thirumangalam along with her male child aged about 20 months and finds it very difficult to travel to Thirumayam to attend all the hearings.



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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 Thirumangalam, Madurai District, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.62 of 2025, is ordered to be withdrawn from the file of the Sub



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Court, Thirumayam, Pudukkottai District and transfer the same to the Sub Court, Thirumangalam, Madurai District. The learned Judge, Sub Court, Thirumayam, Pudukkottai District, is hereby directed to transmit the entire records in H.M.O.P.No.62 of 2025 to the file of the Sub Court, Thirumangalam, Madurai District, 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 Sub Court, Thirumangalam, Madurai District, 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.

09.04.2026

das

To

- 1.The Sub Court, Thirumayam,
Pudukkottai District.
- 2.The Sub Court, Thirumangalam,
Madurai District.
- 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
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