



Tr.C.M.P(MD).No.641 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.641 of 2025
and
C.M.P(MD)No.18589 of 2025

N.Irfana : Petitioner

Vs

S.Irshad Ayub : Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in O.S.No.31 of 2024 from the file of the Family Court, Madurai District, and transfer the same to the Family Court, Sivagangai District.

For Petitioner : Mr.A.Mohamed Ashfalk,

For Respondent : Mr.J.Ramamoorthi.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in O.S.No.31 of 2024 from the file of the Family Court, Madurai District, and transfer the same to the Family Court, Sivagangai District.



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2. It is evident from the records that the marriage between the parties was solemnized on 26.06.2022 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 suit in O.S.No.31 of 2024, seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Madurai. It is not in dispute that the petitioner has not filed any written statement and she was set ex parte, and that the case was posted for ex-parte evidence. It is also not in dispute that the petitioner has initiated the proceedings under the Domestic Violence Act and the same is pending in D.V.C.No.12 of 2025 on the file of the Additional Mahila Court, Sivagangai District and also laid maintenance claim in M.C.No.37 of 2025 and the same is pending on the file of the Family Court, Sivagangai District.

4.It is also not in dispute that the petitioner has filed a suit in O.S.No.5 of 2026, challenging the two 'talaq' notices issued by the respondent, and the same is pending on the file of the Family Court, Sivagangai.

5.The learned counsel for the petitioner would submit that the petitioner is residing at Sivagangai along with her male child aged about two years and finds it very difficult to travel to Madurai to attend the hearings.



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6. The learned counsel appearing for the respondent would submit that the petitioner had earlier been set ex-parte and that they have not taken any steps to set aside the ex-parte order. But, the fact remains that the respondent has been attending the Court at Sivagangai for DVC complaint, the maintenance proceedings, as well as the suit now instituted in O.S. No. 5 of 2026.

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 umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally,



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it is the wife's convenience which must be looked at while considering transfer.", the bench observed."

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8. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Sivagangai District, this Court is inclined to allow this petition. Accordingly, the petition in O.S.No.31 of 2024, is ordered to be withdrawn from the file of the Family Court, Madurai and transfer the same to the Family Court, Sivagangai. The learned Judge, Family Court, Madurai, is hereby directed to transmit the entire records in O.S.No.31 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.

9. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

09.04.2026

das



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To

- 1.The Family Court, Madurai.
2. The Family Court, Sivagangai.
- 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.641 of 2025
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