

Tr.C.M.P(MD).No.643 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.643 of 2025
and
C.M.P(MD)No.18703 of 2025

Janani : Petitioner
Vs

Balaji : Respondent

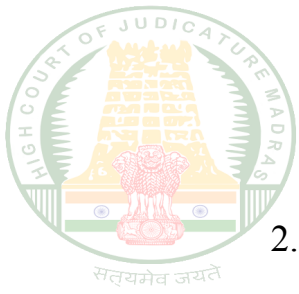
Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C. praying to withdraw and transfer the O.P.No.40 of 2025 on the file of the Family Court, Sivagangai to be heard and tried on the file of the Family Court, Madurai for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.M.Jerin Mathew,

For Respondent : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw and transfer the petition in O.P.No.40 of 2025 from the file of the Family Court, Sivagangai to the Family Court, Madurai for disposal of the same on merits and in accordance with law.



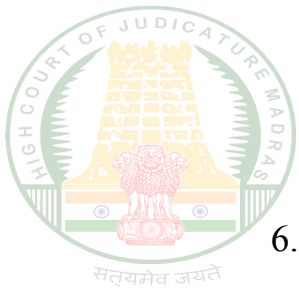
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2. It is evident from the records that the marriage between the parties was solemnized on 23.09.2014 as per Hindu Rites and customs and due to their wed-lock, they were blessed with a female child, namely Deepika and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is also evident from the records that the petitioner has filed a petition in O.P.No.40 of 2025, seeking divorce and the same is pending on the file of the Family Court, Sivagangai.

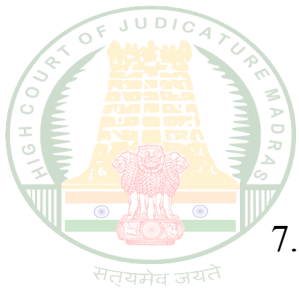
4. The learned counsel for the petitioner would submit that the petitioner is now residing at Madurai due to severe harassment caused by the respondent, and she finds it very difficult to travel to Sivagangai to attend all the hearings.

5. The respondent has entered into appearance through a counsel and subsequently, the learned counsel filed a memo reporting no instructions and thereafter, despite printing the name of the respondent, he failed to appear before this Court.



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6. The learned counsel for the petitioner filed an affidavit sworn by the petitioner, wherein she has narrated about the harassment caused by the respondent. The petitioner in the affidavit has stated that the respondent had taken her belongings from the vehicle parked in the Sivagangai Court campus; that he had put sugar in the petrol bunk of the petitioner's vehicle, when the car was parked in the Court campus; that since the respondent had been giving lot of troubles and hardships to the petitioner, she was forced to shift her residence to Madurai; that the respondent's family has been running a Hotel in Sivagangai near Town Police Station opposite to Vivekandar School and in view of the same, he is having contacts with the several police personnel and hence, there was no action for the complaints lodged by the petitioner against the respondent; that the respondent and one another person came to the petitioner's house on 11.03.2026 and threatened to withdraw the case, that the respondent had sent a voice message on 23.03.2026 threatening that he would murder her, if she attend the Court hearings at Sivagangai and that therefore, the petitioner was constrained to lodge the complaint before the Superintendent of Police, Sivagangai. The learned counsel for the petitioner would further submit that the trial Court may be directed to dispose of the case within a time stipulated.



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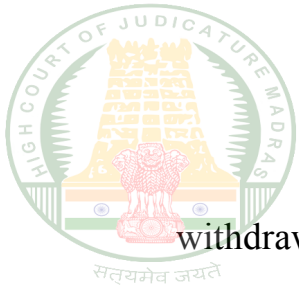
7. In the case of **N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha**

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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.”

8. Considering the facts and circumstances of the case and considering the fact that the petitioner is residing at Madurai District and taking note of the affidavit now filed by the petitioner, this Court is inclined to allow this petition. Accordingly, the petition in O.P.No.40 of 2025, is ordered to be



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withdrawn from the file of the Family Court, Sivagangai and transfer the same to the Family Court, Madurai. The learned Judge, Family Court, Sivagangai, is hereby directed to transmit the entire records in O.P.No.40 of 2025 to the file of the Family Court, Madurai, 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, Madurai, 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. The petitioner is at liberty to approach the learned Judge, Family Court, Madurai, for early disposal of the case and on such application being filed, the learned Judge, Family Court, Madurai, is directed to consider the same on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

03.06.2026

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K.MURALI SHANKAR, J.

DAS

To

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

Order made in
Tr.C.M.P (MD).No.643 of 2025
and
C.M.P(MD)No.18703 of 2025

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