



Tr.C.M.P.(MD)No.696 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.696 of 2025
and
C.M.P.(MD)Nos.19745 and 19748 of 2025

Sangeetha

... Petitioner/
Respondent

Vs.

Arun Kumar

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.123 of 2022 on the file of the Sub Court, Vendasandur and to transfer the same to file of the Sub Court, Palani for trial along H.M.O.P.No.1 of 2022.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.P.Manikandan



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.123 of 2022 on the file of the Subordinate Court, Vedasandur, and transfer the same to the file of the Subordinate Court, Palani, for trial along with H.M.O.P.No.1 of 2022.

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 11.12.2020 in accordance with Hindu rites and customs and that, owing to certain misunderstandings, they are presently living separately. It is also not in dispute that the petitioner has filed H.M.O.P.No.1 of 2022 seeking restitution of conjugal rights, which is pending on the file of the Subordinate Court, Palani, and that the respondent has filed H.M.O.P.No.123 of 2022 seeking divorce, which is pending on the file of the Subordinate Court, Vedasandur.

4. The learned counsel appearing for the petitioner would submit



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that the petitioner is residing at Palani and is finding it difficult to travel to Veda sandur to attend the court proceedings.

5. The learned counsel on either side would submit that in H.M.O.P.No.1 of 2022, the evidence on the side of the petitioner has already been completed and the matter is posted for cross-examination of R.W.1, and that H.M.O.P.No.123 of 2022 is posted for cross-examination of P.W.1.

6. In view of the fact that both the matters have reached the part-heard stage, and more particularly that in H.M.O.P.No.1 of 2022 the petitioner's evidence has already been closed, the question of ordering a joint trial does not arise at this stage. However, having regard to the nature of the proceedings, this Court is of the view that appropriate directions can be issued to ensure that both matters are proceeded with simultaneously.

7. In *N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha* reported in **2022 Live Law (SC) 627**, the Hon'ble Supreme Court has reiterated that, while considering a transfer petition under Section 24 of the Code of Civil



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Procedure, the paramount consideration is the ends of justice and, in matrimonial disputes, ordinarily the convenience of the wife deserves greater weight. The relevant observation reads as follows:

“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.”

8. In the light of the above principles and considering the facts and circumstances of the case, this Court is of the view that H.M.O.P.No.123 of 2022 is liable to be withdrawn from the file of the Subordinate Court, Vendasandur, and transferred to the file of the Subordinate Court, Palani. Accordingly, the learned Subordinate Judge, Vendasandur, is directed to transmit the entire records in H.M.O.P.No.123 of 2022 to the Subordinate



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Court, Palani, within a period of ten (10) days from the date of receipt of a copy of this order. On receipt of the records, the learned Subordinate Judge, Palani, shall take the petition on file and proceed with the trial of both H.M.O.P.No.123 of 2022 and H.M.O.P.No.1 of 2022 simultaneously.

9. Having regard to the fact that both matters have been pending since the year 2022, the learned Subordinate Judge, Palani, is directed to expedite the trial and dispose of both the petitions, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of the records.

10. With the above directions, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

10.04.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
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To

1. The Subordinate Judge,
Vedasandur.



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K.MURALI SHANKAR,J.

csn

2. The Subordinate Judge,
Palani, Dindigul District.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P.(MD)No.696 of 2025
and
C.M.P.(MD)Nos.19745 and 19748 of 2025

Dated : 10.04.2026