



Tr.C.M.P(MD).No.665 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.665 of 2025
and
C.M.P(MD)No.19437 of 2025

A.Alageswari

: Petitioner

Vs

K.Kirubakaran

: Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P. No.1018 of 2025 from the file of the Family Court, Madurai and transfer the same to the Sub Court, Sivakasi, Virudhunagar District.

For Petitioner : Mr.Lakshmi Gopinathan

For Respondent : Mr.S.Balaji

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P. No.1018 of 2025 from the file of the Family Court, Madurai and transfer the same to the Sub Court, Sivakasi, Virudhunagar District.



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2. It is evident from the records that the marriage between the parties was solemnized on 03.06.2020 as per Hindu rites and customs and due to their wed-lock they were blessed with a female child 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.1018 of 2025, seeking divorce and the same is pending on the file of the Family Court, Madurai and that the petitioner has laid maintenance claim in M.C.No.21 of 2025 before the Judicial Magistrate No.II, Sivakasi.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Sivakasi, along with her female child and finds it very difficult to travel to Madurai to attend all the hearings.

5. The learned counsel for the respondent would submit that the respondent is now working at Chennai and hence, his personal appearance may be dispensed with.

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



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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 Sivakasi, Virudhunagar District, along with female child, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.1018 of 2025, is ordered to be withdrawn from the file of the Family Court, Madurai and transfer the same to the Sub Court, Sivakasi. The learned Judge, Family Court, Madurai, is hereby



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directed to transmit the entire records in H.M.O.P.No.1018 of 2025 to the file of the Sub Court, Sivakasi, 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, Sub Court, Sivakasi, 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. The respondent is at liberty to move the Sub Court, Sivakasi for dispensation of personal appearance and upon such an application being filed, the learned trial Judge is directed to consider the same on its merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

15.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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To

- 1.The Family Court, Madurai.
- 2.The Sub Court, Sivakasi,
- 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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