



Tr.C.M.P.(MD)No.698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.698 of 2025
and
C.M.P.(MD)No.19771 of 2025

B.Usha

... Petitioner/
Respondent

Vs.

S.Vijayakumar

... 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.53 of 2024 on the file of Principal Sub Court, Tiruchengode, Namakkal District and transfer the same to Family Court, Karur, Karur District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



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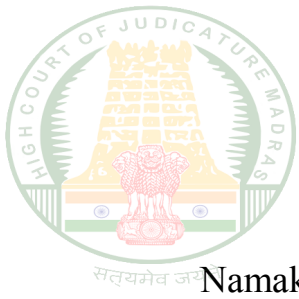
case in H.M.O.P.No.53 of 2024 from the file of the Principal Subordinate Court, Tiruchengode, Namakkal District, and transfer the same to the file of the Family Court, Karur.

2. Despite service of notice on the respondent as well as the counsel appearing for the respondent before the trial Court, the respondent failed to enter into appearance.

3. Heard the learned counsel appearing for the petitioner.

4. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 30.01.2012 as per the Hindu rites and customs and due to their wedlock, they were blessed with two male child now aged 13 years and 5½ years and that subsequently there arose some misunderstanding and they are living separately.

5. It is not in dispute that the respondent filed a petition in H.M.O.P.No.53 of 2024 seeking restitution of conjugal rights and the same is pending on the file of the Principal Subordinate Court, Tiruchengode,



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Namakkal District. It is also not in dispute that the petitioner has laid the maintenance claim in M.C.No.38 of 2024 and the same is pending on the file of the Family Court, Karur and she has also initiated proceedings under the Domestic Violence Act and the same is pending in D.V.C.No.60 of 2023 on the file of the Additional Mahila Court, Karur.

6. The learned counsel appearing for the petitioner would submit that one male child is under the care and custody of the petitioner and the other child is with the respondent. He would further submit that the petitioner is residing at Manmangalam Taluk, Karur District and finds it difficult to travel to Tiruchengode to attend the hearings along with her male child.

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



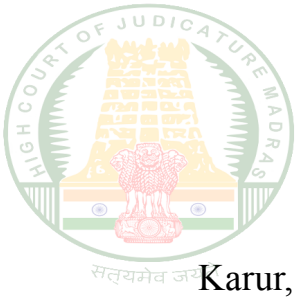
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Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take 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 above facts and circumstances and also taking note of the fact that the respondent has been appearing before the Courts at Karur, this Court is of the view that the case in H.M.O.P.No.53 of 2024 is ordered to be withdrawn from the file of the Principal Subordinate Court, Tiruchengode, Namakkal District, and transfer the same to the file of the Family Court, Karur. Accordingly, the learned Principal Subordinate Judge, Tiruchengode, Namakkal District, is hereby directed to transmit the entire records in H.M.O.P.No.53 of 2024 to the file of the Family Court,



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Karur, 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, Karur, 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 is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

09.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal Subordinate Judge,
Tiruchengode,
Namakkal District.
2. The Judge,
Family Court,
Karur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.698 of 2025
and
C.M.P.(MD)No.19771 of 2025

Dated : 09.06.2026