



Tr.C.M.P(MD).No.710 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.710 of 2025
and
C.M.P(MD)No.19933 of 2025

Varshini @ Mariammal

: Petitioner

Vs

V.Nandhagopal

: Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case in H.M.O.P. No.99 of 2025 from the file of the Principal Sub Court, Kancheepuram and transfer the same to the Family Court, Karur.

For Petitioner : Mr.S.Gokulraj,

For Respondent : Mr.M.Mathan Karthick.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P. No.99 of 2025 from the file of the Principal Sub Court, Kancheepuram and transfer the same to the Family Court, Karur.



Tr.C.M.P(MD).No.710 of 2025

2. It is not in dispute that the marriage between the parties was solemnized on 07.09.2022 as per Hindu Rites and customs and due to their wed-lock they were blessed with a male child, now aged 2 ½ years 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 petition in H.M.O.P.No.99 of 2025, seeking divorce and the same is pending on the file of the Principal Sub Court, Kancheepuram and that the petitioner has filed a petition in H.M.O.P.No.165 of 2025, seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Karur. It is also not in dispute the petitioner has initiated the proceeding under Domestic Violence Act and the same is pending in D.V.C.No.27 of 2025 on the file of the Additional Mahila Court, Karur. Moreover, FIR came to be registered for the offence under POCSO Act against the respondent as well as his parents and the same is pending in Spl.S.C.No.71 of 2025 on the file of the Mahila Court, Karur.

4. When the matter was taken up earlier, the learned counsel for the respondent would submit that the petitioner has filed similar transfer petition



Tr.C.M.P(MD).No.710 of 2025

and the same is pending before the Principal Seat at Madras, in Tr.C.M.P No.36 of 2026.

5. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the above transfer petition came to be filed without the knowledge of the petitioner and the same was withdrawn and the Court has already dismissed the case as withdrawn on 01.04.2026.

6. The learned counsel for the petitioner would submit that the petitioner is residing at Athur, Karur District along with 2 ½ years male child and finds it very difficult to travel to Kancheepuram to attend all the hearings.

7. The learned counsel for the respondent would submit that the respondent is facing threats from the petitioner's family when appearing for cases at the Karur Courts.

8. But according to him, he contacted the police through 100, but did not prefer any complaint. Moreover, the fact remains that the respondent has been attending the hearings in the petition for restitution of conjugal rights,



Tr.C.M.P(MD).No.710 of 2025

the Domestic Violence case, and the complaint under the POCSO Act before the Courts at Karur.

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

10. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Athur, Karur District, this Court is



Tr.C.M.P(MD).No.710 of 2025

inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.99 of 2025, is ordered to be withdrawn from the file of the Principal Sub Court, Kancheepuram and transfer the same to the Family Court, Karur. The learned Judge, Principal Sub Court, Kancheepuram, is hereby directed to transmit the entire records in H.M.O.P.No.99 of 2025 to the file of the Family Court, Karur, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case records, the learned Judge, Family Court, Karur, is directed to take up the petition on file and proceed in accordance with law.

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

07.04.2026

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

To

- 1.The Principal Sub Court, Kancheepuram.
2. The Family Court, Karur.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,

5/6



Madurai.

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Tr.C.M.P(MD).No.710 of 2025

K.MURALI SHANKAR, J.

DAS

Order made in
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