



Tr.C.M.P(MD).No.700 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 07.04.2026

PRONOUNCED ON :17.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.700 of 2025

and

C.M.P(MD)No.19824 of 2025

S.Narmatha

: Petitioner / Respondent

Vs.

K.Selvakumar

: Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code, to withdraw the case in O.P.No.4625 of 2025, on the file of the learned 4th Additional Family Court, Chennai and transfer the same to the learned Principal Sub court at Thirumayam, Pudukkottai District.

For Petitioner : Mr.D.Ramesh Kumar

For Respondent : Mr.K.Salai Arulmani



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ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in O.P.No.4625 of 2025, on the file of the 4th Additional Family Court, Chennai and transfer the same to the Principal Subordinate Court at Thirumayam, Pudukkottai District.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent and perused the materials available on record.

3. It is not in dispute that the marriage between the parties was solemnized on 19.11.2023 as per the Hindu rites and customs and due to their wedlock, they were blessed with a female child and that subsequently there arose misunderstanding between them and are living separately. It is also not in dispute that the respondent filed a petition in O.P.No.4625 of 2025 seeking divorce and the same is pending on the file of IV Additional Family Court, Chennai.

4. According to the petitioner, she was subjected to physical and mental cruelty at the hands of the respondent and was consequently compelled to



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leave the matrimonial home and reside at her parental house at Pudukkottai. It is her further case that the respondent has not made any attempt to visit either her or the child thereafter; that he demanded additional dowry, harassed her, and even cast aspersions on her fidelity. The petitioner would also contend that she is presently residing at her parental home and is unable to travel to Chennai, which is situated at a distance of about 400 kilometres, to effectively prosecute the proceedings. She has further alleged that she is facing threats from the respondent and apprehends danger to her life if she is required to travel to Chennai, and that the respondent is an influential person in the locality, thereby rendering it unsafe for her. On the above grounds, she has filed the present transfer petition.

5. The respondent has filed a detailed counter affidavit running into 14 pages, traversing the allegations and also touching upon the merits of the main proceedings. In the counter, it is contended that the petitioner, of her own volition, left the matrimonial home at Chennai in March 2024 and has since been residing at her parental house at Ponnamaravathi, Pudukkottai District, without any justification and has refused to rejoin the respondent. It is further contended that the petitioner, along with her mother, had earlier travelled to Chennai to convene a panchayat with the involvement of political persons and



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to place certain demands upon the respondent, including the setting up of a separate residence, and that, having so travelled earlier, she cannot now plead inability to travel for attending court proceedings. The respondent has also alleged that the petitioner and her family wield considerable political influence in and around Ponnamaravathi and Thirumayam; that the petitioner's father is employed in the postal department and is actively involved in labour union activities, and that her mother is heading a women's self-help group. It is further alleged that, whenever the respondent visited the petitioner's native place, attempts were made by her family members to convene panchayats or so-called kangaroo courts with the aid of their political connections. According to the respondent, if the case is transferred, the very purpose of instituting the proceedings in a neutral and safe forum would be defeated and he would be compelled to litigate in a hostile environment dominated by the petitioner's family.

6. The respondent has further stated that his father is a chronic cardiac patient and that his brother is a person suffering from 85% multiple disability. He would contend that he is the sole earning member and caretaker of the family and, therefore, it would be extremely difficult for him to travel to Thirumayam to attend the court proceedings in the event of transfer.



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7. Before entering into it is necessary to refer the case of **N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha** reported in **2022 Live Law (SC) 627**, wherein 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. It is well settled while considering a petition for transfer in matrimonial disputes, the paramount consideration is the convenience of the wife. The Hon'ble Supreme Court has consistently held that having regard to



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the prevailing socio-economic conditions in the Country, the convenience of the wife ordinarily deserves to be given precedence, especially where she is required to take care of a minor child and has no independent source of income.

9. In the case on hand, as already pointed out, the petitioner has specifically stated that she is residing with her parents and is also taking care of her minor child. The difficulty expressed by the petitioner in undertaking travel to Chennai, where the case is presently pending, cannot be brushed aside as trivial or imaginary. The fact that the petitioner is required to care for a minor child, coupled with her residence at her parental home in her native place, constitutes a relevant and weighty factor for consideration. Though the respondent has projected certain difficulties on his side, such as the medical condition of his father and the disability of his brother, the same, in the considered opinion of this Court, cannot outweigh the hardship that would be caused to the petitioner, who would be required to undertake travel along with a minor child for every hearing from Ponnamaravathi, Pudukkottai District, to Chennai.



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10. The contention of the respondent that the petitioner had voluntarily left the matrimonial home pertains to the merits of the matrimonial dispute and cannot be gone into in a transfer petition. Likewise, though the respondent has alleged that he would be subjected to threats, harassment, and kangaroo court proceedings at the instance of the petitioner and her family if he is required to visit Thirumayam, in the absence of any material to substantiate the said apprehension, such a contention cannot be accepted.

11. Considering the totality of the circumstances and applying the settled legal principles, this Court is of the view that the petitioner has made out a case of transfer and the balance of convenience lies in favour of the petitioner wife. Hence, this Court is inclined to allow this petition. Accordingly, the petition in O.P.No.4625 of 2025, is ordered to be withdrawn from the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Principal Subordinate Court, Thirumayam, Pudukkotati District. The learned Judge, IV Additional Family Court, Chennai is hereby directed to transmit the entire records in O.P.No.4625 of 2025 to the file of the the Principal Subordinate Court, Thirumayam, Pudukkotati District within a period of 10 days from the date of receipt of copy of this order and on



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receiving the case bundle, the learned Principal Subordinate Judge, Thirumayam, Pudukkotati District is directed to take up the petition on file and proceed in accordance with law.

12. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

17.04.2026

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

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To

- 1.The IV Additional Family Court, Chennai
- 2.The Principal Subordinate Court, Thirumayam, Pudukkotati District
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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