

Tr.C.M.P(MD).No.768 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P(MD) No.768 of 2025
and C.M.P(MD) No. 20606 of 2025

R.Vinothini

: Petitioner

Vs

M.Sarathkumar

: Respondent

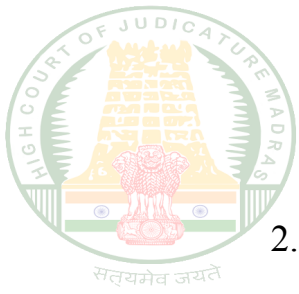
Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and to transfer the H.M.O.P. No.111 of 2024 from the file of Sub Court, Paramakudi, Ramanathapuram District, to the Ramanathapuram Family Court, Ramanathapuram District.

For Petitioner : Mr.A.Balaji,
for Mr.S.Anandhakumar.

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P. No.111 of 2024 from the file of Sub Court, Paramakudi, Ramanathapuram District and transfer the same to the Ramanathapuram Family Court, Ramanathapuram District.



Tr.C.M.P(MD).No.768 of 2025

2. It is evident from the records that the marriage between the parties was solemnized on 30.10.2022 as per Hindu rites and customs 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.111 of 2024, seeking divorce and the same is pending on the file of the Sub Court, Paramakudi, Ramanathapuram District. It is also not in dispute that the petitioner has filed a petition in H.M.O.P.No.34 of 2025, seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Ramanathapuram and she has also laid the maintenance claim in M.C.No.36 of 2026 and the same is pending on the file of the Family Court, Ramanathapuram.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Ramanathapuram and finds it very difficult to travel to Paramakudi to attend all the hearings.

5. Despite service of notice to the respondent as well as the learned counsel appearing for the respondent before the trial Court and also printing the name of the respondent in the cause list, the respondent has not turned up.



Tr.C.M.P(MD).No.768 of 2025

WEB COPY 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 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 Ramanathapuram, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.111 of



Tr.C.M.P(MD).No.768 of 2025

2024, is ordered to be withdrawn from the file of the Sub Court, Paramakudi, Ramanathapuram District and transfer the same to the Ramanathapuram Family Court, Ramathapuram District. The learned Subordinate Judge, Paramakudi, Ramanathapuram District, is hereby directed to transmit the entire records in H.M.O.P.No.111 of 2024 to the file of the Family Court, Ramathapuram, 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, Ramathapuram, is directed to take up the petition on file and proceed in accordance with law.

7. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

No costs.

02.06.2026

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



WEB COPY



Tr.C.M.P(MD).No.768 of 2025

To

- 1.The Sub Court, Paramakudi, Ramathapuram.
- 2.The Family Court, Ramanathapuram.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD).No.768 of 2025

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P(MD) No.768 of 2025
and C.M.P(MD) No. 20606 of 2025

02.06.2026