



Tr.C.M.P(MD).No.752 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.03.2026

PRONOUNCED ON : 10.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.752 of 2025

and

C.M.P(MD)No.20389 of 2025

Murugeswari

: Petitioner / Respondent

Vs.

Bala Yogananda Karthikeyan

: Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P(OP)No.180 of 2025, on the file of the Subordinate Court, Uthamapalyam and transfer the same to any other competent Court of law at Madurai.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondent : Mr.K.Guhan

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.180 of 2025 pending on the file of the



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Sub Court, Uthamapalayam and transfer the same to any other Court of law at Madurai.

2. It is not in dispute that the marriage between the parties was solemnized on 04.06.2017 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 H.M.O.P.No.180 of 2025 seeking divorce and the same is pending on the file of the Subordinate Court, Uthamapalayam.

3. It is the specific case of the petitioner that she is residing at Madurai along with her aged father, that she has no avocation or income to meet out the expenses for defending the litigation as well as attending Court from Madurai to Uthamapalayam, that the petitioner's father who is aged about 73 years cannot accompany her for every hearing and that since the petitioner finds it difficult to travel from Madurai to Uthamapalayam for attending the hearings, she was constrained to file the above petition for transfer.

4. The respondent filed a counter affidavit stating that he has no job at present, that he is taking care of his mother and sister, that his sister who had undergone a surgery for Meningioma in her brain and she is not attending her



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duty in regular routine life by herself, that his mother has also been suffering from various ailments due to her age and she underwent heart surgery, that since the petitioner is taking care of both his mother and sister, he is unable to transfer frequently from Cumbum to Madurai and that the petitioner is ready to pay travel expenses to the petitioner for every hearing and that therefore, the petition is liable to dismissed.

5. The petitioner filed a reply affidavit in response to the counter affidavit of the respondent stating that the respondent's sister has got a adult son, who is studying II year in a college at Coimbatore and used to visit every week, that the respondent's sister had undergone the surgery three years ago and she has been maintaining her stable health, that the respondent's contention that his sister cannot move on her own and needs an aid and assistance of the respondent for her routine affairs are false, that the respondent's sister is a beautician by profession and she is attending her profession, that the petitioner's mother-in-law who is aged about 60 years is under medication for a block in her heart and she has not undertaking any procedure interventionally for heart surgery, that she is able to do her domestic work and move freely wherever she wants, that the respondent being an adult male member is not in need of assistance to travel from



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Uthamapalayam to Madurai for attending the hearings and that the respondent has made false allegations in the counter affidavit only for the purpose of the present case.

6. It is not in dispute, as rightly pointed out by the learned Counsel, that the distance between Madurai and Uthamapalayam is about 106 km. According to the petitioner, her father is aged about 73 years old, is unable to accompany her for every hearing from Madurai to Uthamapalayam. As rightly contended by the learned Counsel for the petitioner, even assuming for argumens sake, that the respondent's mother and sister are unwell, that by itself cannot be construed as a valid ground to oppose the prayer for transfer sought by the petitioner/wife.

7. At this juncture 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 :



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“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. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Madurai, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.180 of 2025, is ordered to be withdrawn from the file of the Sub Court, Uthamapalayam and transfer the same to the file of the Family Court, Madurai. The learned Subordinate Judge, Uthamapalayam is hereby directed to transmit the entire records in H.M.O.P.No.180 of 2025 to the file of the Family Court, Madurai, 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 Judge, Family Court, Madurai 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 stands allowed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

10.04.2026

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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To

- 1.The Subordinate Court, Uthamapalayam.
- 2.The Family Court, Madurai.
- 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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Order made in
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