

Tr.C.M.P(MD).No.734 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.734 of 2025

and

C.M.P(MD)Nos.20212 and 20214 of 2025

A.Rajalakshmi

: Petitioner

Vs

K.Muthukumar

: Respondent

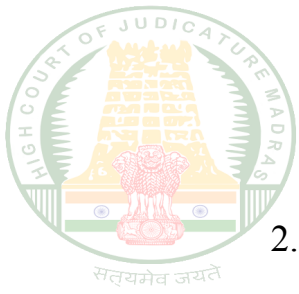
Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.119 of 2025 from the file of the Sub Court, Mettur, Salem District and transfer the same to the Sub Court, Virudhunagar.

For Petitioner : Mr.S.Rajesh Kanna

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.119 of 2025 from the file of the Sub Court, Mettur, Salem District and transfer the same to the Sub Court, Virudhunagar.



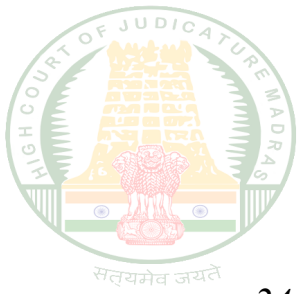
Tr.C.M.P(MD).No.734 of 2025

2. It is not in dispute that the marriage between the parties was solemnized on 27.08.2017 as per Hindu rites and customs and due to their wed-lock, they were blessed with a male child and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is also not in dispute that the respondent has filed a petition in H.M.O.P.No.119 of 2025, seeking divorce and the same is pending on the file of the Sub Court, Mettur, Salem District. He would submit that the petitioner is residing at Sattur, Virudhunagar District and finds it very difficult to travel to Salem along with her child to attend all the hearings.

4. Despite service of notice to the respondent as well as the counsel appearing for the respondent before the trial Court, the respondent has not chosen to enter into appearance.

5. 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 :



Tr.C.M.P(MD).No.734 of 2025

WEB COPY

“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 Sattur, Virudhunagar District, this Court is inclined to allow this petition. Accordingly, the petition in H.M.O.P.No.119 of 2025, is ordered to be withdrawn from the file of the Sub Court, Mettur, Salem District and transfer the same to the Sub Court, Virudhunagar. The learned Subordinate Judge, Mettur, is hereby directed to transmit the entire records in H.M.O.P.No.119 of 2025 to the file of the Sub Court, Virudhunagar, 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 Subordinate



Tr.C.M.P(MD).No.734 of 2025

Judge, Virudhunagar, is directed to take up the petition on file and proceed in accordance with law.

8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.
No costs.

12.06.2026

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



WEB COPY



Tr.C.M.P(MD).No.734 of 2025

To

- 1.The Subordinate Judge, Virudhunagar District.
- 2.The Subordinate Judge, Mettur,
Salem District.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD).No.734 of 2025

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.734 of 2025
and
C.M.P(MD)Nos.20212 and 20214 of 2025

12.06.2026