



Tr.C.M.P.(MD)No.772 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.772 of 2025
and
C.M.P.(MD)Nos.20659 and 20660 of 2025

Amutha

... Petitioner/
Respondent

Vs.

Ganesha Murugan

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw H.M.O.P.No.34 of 2025 on the file of the Sub Court, Devakottai and transfer the same to Sub Court, Thoothukudi or any other Court in Thoothukudi District.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : M/s.A.Rajini

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



Tr.C.M.P.(MD)No.772 of 2025

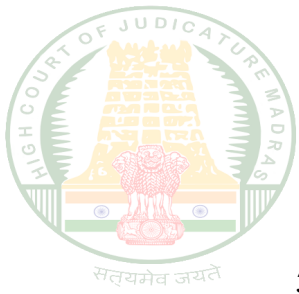
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case in H.M.O.P.No.34 of 2025 from the file of the Subordinate Court, Devakottai, and transfer the same to the file of the Subordinate Court, Thoothukudi.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 28.11.2024 as per the Hindu rites and customs and that subsequently there arose some misunderstanding and they are living separately.

4. It is not in dispute that the respondent filed a petition in H.M.O.P.No.34 of 2025 seeking divorce and the same is pending on the file of the Subordinate Court, Devakottai. It is also not in dispute that the petitioner has initiated proceedings under the Domestic Violence Act and the same is pending in D.V.C.No.20 of 2025 on the file of the Judicial Magistrate No.III, Thoothukudi.



Tr.C.M.P.(MD)No.772 of 2025

WEB COPY

5. The respondent filed a counter affidavit.

6. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Thoothukudi and finds it difficult to travel to Devakottai to attend the hearings.

7. The learned counsel appearing for the respondent would submit that the respondent is a Government servant working in Devakottai and he has already lodged a complaint alleging cruelty before the police and enquiry is pending in CSR and that subsequently filed the present HMOP seeking divorce on the ground of cruelty.

8. Merely because the respondent is a Government servant, the same by itself cannot be a ground to refuse or reject the request of the petitioner being the wife. Except the above, the respondent has not raised any other serious objections.

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



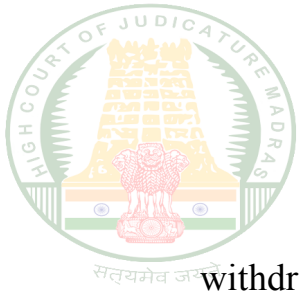
Tr.C.M.P.(MD)No.772 of 2025

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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 above facts and circumstances and also taking note of the fact that the petitioner is residing at Thoothukudi, this Court is of the view that the case in H.M.O.P.No.34 of 2025 is ordered to be



Tr.C.M.P.(MD)No.772 of 2025

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withdrawn from the file of the Subordinate Court, Devakottai, and transfer the same to the file of the Subordinate Court, Thoothukudi. Accordingly, the learned Subordinate Judge, Devakottai, is hereby directed to transmit the entire records in H.M.O.P.No.34 of 2025 to the file of the Subordinate Court, Thoothukudi, 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 Judge, Thoothukudi, 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 is allowed. Consequently, connected Miscellaneous Petitions are closed. No costs.

09.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Subordinate Judge,
Devakottai.
2. The Subordinate Judge,
Thoothukudi.

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Tr.C.M.P.(MD)No.772 of 2025

K.MURALI SHANKAR,J.

csn

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P.(MD)No.772 of 2025
and
C.M.P.(MD)Nos.20659 and 20660 of 2025

Dated : 09.06.2026