



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**Tr.CMP.No.157 of 2026
and CMP. No.5295 of 2025**

S.Indhu Priya

..Petitioner(s)

Vs

1.P.Pradeep Kumar
2.R.Gowtham

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the HMOP. No.126 of 2025 on the file of the Sub Court, Thirupathur and transfer the same to the Family Court, Chennai.

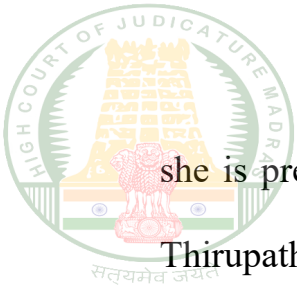
For Petitioner(s):	Mr.G.Anand Kumar
For Respondent(s):	Mrs.Arulmozhi for R1

ORDER

The petitioner is the wife who seeks transfer of HMOP No.126 of 2025 from the file of the Sub Court, Thirupathur to the file of the Family Court at Chennai.

2. I have heard Mr.G.Anand Kumar, learned counsel for the petitioner/wife and Mrs.A.Arulmozhi, learned counsel for the first respondent.

3. According to the learned counsel for the petitioner/wife, the petitioner/wife is having custody of the minor son aged two and half years and

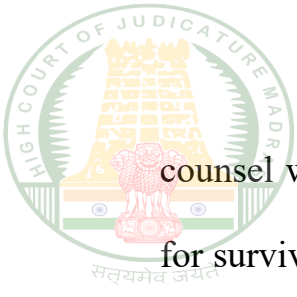


she is presently residing at Chennai and therefore, she is unable to go over to Thirupathur to attend the proceedings initiated by the first respondent/husband.

The learned counsel in support of his submission would take me through the documents that have been filed along with typed set of papers viz., the petitioner's Aadhaar Card and also CSR issued by the Sub Inspector of Police, Puliyanthope Chennai, dated 17.05.2025, to drive home his argument that the petitioner resides only in Chennai and not as alleged by the first respondent/husband.

4. The learned counsel would also make further submissions with regard to the Aadhaar card which contains Kannada material as well, contending that the petitioner had to reside in Bangalore for a short period of time and therefore, she had to make a request for change of address after she relocated to Chennai and that is the reason why the Aadhaar Card contains Kannada Text. The learned counsel would further state that the petitioner is willing to submit herself to any further enquiry with regard to the genuineness of the Aadhaar Card by giving One Time Password to verify the Aadhaar card details.

5. The learned counsel would further state that the first respondent is not only very influential but also has lot of people to support him and he is financially well off and therefore, it will not be very difficult for the first respondent to attend the proceedings, if transferred to Chennai. The learned



counsel would further state that the petitioner is dependent on her only brother for survival and her parents are also aged and thus, it would be most appropriate to transfer the proceedings as prayed for by her viz., to Chennai.

6. Per contra, learned counsel for the first respondent/husband Mrs.A.Arulmozhi, would state that only for the purposes of filing the transfer petition, the petitioner has fabricated the Aadhaar card and that is the reason why the Kannada text is also available in the Aadhaar card. However, the learned counsel would fairly state that the first respondent does not intend to make fabrication of the Aadhaar card an issue, as even otherwise, the first respondent is on a strong wicket, with regard to seeking dismissal of the transfer petition.

7. Mrs.Arulmozhi, learned counsel appearing for the first respondent would also invite my attention to the lawyer's notice issued by the learned counsel for the first respondent, to the learned counsel for the petitioner, marking a copy to the petitioner herself, in which the Thiruvannamalai address of the petitioner has been furnished and notice has also been sent to the address. Drawing my attention to the acknowledgment card, Mrs.Arulmozhi, learned counsel would contend that the notice sent to the petitioner/wife, has been received by her personally at Thiruvannamalai on 16.03.2026 and this factum would clearly confirm the claim of the first respondent that the petitioner is



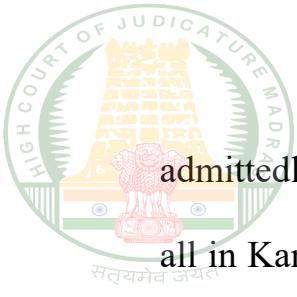
residing only in Thiruvannamalai and the Chennai address furnished is false and an incorrect address.

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8. It is also the submission of the learned counsel, Mrs.Arulmozhi, that though one minor child aged two and half years is in the custody of the petitioner, the two other minor children born to the petitioner and the first respondent who are aged nine years and seven years are in the custody of the first respondent/husband. The learned counsel would further state that besides having to take care of the two minor children, the petitioner is also additionally burdened to take care of his aged and sick parents and in such circumstances, it would be equally difficult and inequitable for the first respondent to travel all the way to Chennai, in the event of the transfer petition being allowed. The learned counsel would however state that if financial constraint is the only issue for the petitioner, then the first respondent willing to bear the necessary expenses.

9. I have carefully considered the submissions advanced by the learned counsel on either side.

10. Though the residence of the petitioner at Chennai is vehemently disputed and despite the fact the Aadhaar Card has also been produced in original for my perusal and verification, all is not well, since the Aadhaar card



admittedly contains a Chennai address, but the general information and text are all in Kannada. If the Aadhaar card was ordinarily issued at Chennai, such text would have been in Tamil and not in Kannada. However, even leaving this issue of fabrication of Aadhaar Card aside, the fact that the notice sent to the petitioner has been received by her at Thiruvannamalai, within two days from the date of issuance of notice by the learned counsel for the first respondent, only strengthens the argument of Mrs.Arulmozhi, that the petitioner is only residing at Thiruvannamalai and not at Chennai. Apart from the Aadhaar card, the petitioner has not been able to establish any valid proof that she resides at Chennai.

11. In such view of the matter, I am unable to entertain the said request of the petitioner seeking transfer of the HMOP filed by the first respondent/husband to the Family Court, Chennai. However, at the same time, there is force in submission of the learned counsel for the petitioner that the petitioner is a home maker who has to take care of her parents and also minor two and half year old child, she does not have any independent source of income and she claims to be fully dependent on her brother. Considering that the first respondent has also offered to take care of the expenses of the petitioner in the event of her undertaking the travel to attend the proceedings before the Sub Court, Thiruparthur, I am inclined to issue suitable directions, though Tr.CMP is being dismissed.



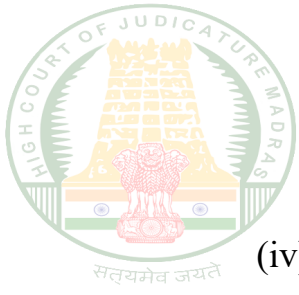
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12. In fine, TR.CMP is **dismissed** with the following directions:-

(i) The HMOP No.126 of 2025, which is pending before the Sub Court, Thirupathur, where the presence of the petitioner is not mandatory and her presence shall not be ordinarily required by the Subordinate Judge.

(ii) The petitioner is at liberty to engage a Counsel on her choice, if not already done. Such Counsel shall be entitled to represent the petitioner ordinarily on the regular hearing dates, except on dates when the petitioner's presence would be absolutely necessary for recording her evidence in chief and cross, or for exercise of visitation rights, which I am told is already being undertaken at Thirupathur alone.

(iii) The first respondent shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) for every visit made by the petitioner and in the event of the minor child also being brought to Thirupathur to comply with any order for visitation right, then an additional Rs.3,000/- (Rupees Three Thousand only) shall be paid by the first respondent to the petitioner. The convenience of the petitioner shall be ascertained in advance before adjourning the matter, requiring the presence of the petitioner, since the petitioner has to either bring along the minor child with her or make alternate arrangements to leave the child and come alone.



(iv) The amount as directed in Clause (iii), shall be paid on the date of appearance of the petitioner before the Sub Court, Thirupathur.

Consequently, connected Miscellaneous Petition is also dismissed. No costs.

20-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKP

To

The Judge, Family Court, Thirupathur.



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P.B.BALAJI, J.

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