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Tr.CMP No.219 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 219 of 2025

and

CMP No.4228 of 2025

R.Ezhumalai

...Petitioner(s)

Vs.

E.Bhuvaneshwari

...Respondent(s)

Prayer in Tr.CMP No.219 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleaded to withdraw the case H.M.O.P.No. 228 of 2024 on the file of the Family Court, Cuddalore and transfer to the Subordinate Court, Ulundurpet, Kallakurichi District.

Prayer in CMP No.4228 of 2026: Petition filed under Section 151 of Code of Civil Procedure, pleaded to grant ad Interim Stay of all further proceedings in H.M.O.P.No.228 of 2024 on the file of the Family Court, Cuddalore pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.C.Munusamy

For Respondent(s) : Ms.R.Poornima



Tr.CMP No.219 of 2025

WEB COPY

ORDER

1. The petitioner/husband seeks transfer of H.M.O.P. No.228 of 2024 pending on the file of the Family Court, Cuddalore to the file of the Subordinate Court, Ulundurpet, Kallakurichi District.
2. The case on hand is a matrimonial proceeding instituted before the Family Court, a specialised forum constituted to deal with family and matrimonial disputes. The petitioner, however, seeks to shift the lis to a Sub Court, thereby dislodging the matter from the specialised forum.
3. The respondent/wife opposes the transfer and submits that she is residing in Cuddalore, and that the minor girl child is at Cuddalore and is suffering from blood cancer, and therefore, shifting the proceedings to Ulundurpet would cause serious hardship to her.
4. The petitioner's justification is that the respondent is "now working" at the Office of the Tahsildar, Ulundurpet. He would therefore contend that the



Tr.CMP No.219 of 2025

matter can be conveniently tried at Ulundurpet and that the presence of the child is not required.

5. This Court is unable to accept the transfer request. First, when the proceedings are already pending before the Family Court, Cuddalore, the petitioner must show compelling reasons to move the matter out of the specialised forum to a civil Court. No such compelling circumstance is made out. The argument that proceedings can be better tried before a Sub Court at Ulundurpet, particularly when the lis is already before a Family Court, is misconceived.
6. Secondly, the respondent's residence at Cuddalore and the circumstance of the child undergoing treatment constitute real and weighty factors in assessing hardship and convenience. The petitioner's attempt to neutralise these concerns by stating that the child "need not appear in Court" is beside the point; the hardship is not about the child's production, but about the respondent's ability to effectively participate in the proceedings while attending to the child's medical needs.
7. Thirdly, the submission that the respondent "can very well live with the husband" travels into the realm of merits and is not a legitimate basis to



Tr.CMP No.219 of 2025

decide a transfer petition under Section 24 CPC. Transfer jurisdiction is exercised on the touchstone of convenience, hardship, and the interests of justice—not on contested merits.

8. For all the above reasons, the balance of convenience does not favour shifting the proceedings from the Family Court, Cuddalore to the Subordinate Court, Ulundurpet.
9. Accordingly, Tr.C.M.P. No.219 of 2025 is dismissed. Interim stay granted by this Court on 25.02.2025 shall stand vacated and C.M.P. No.4228 of 2025 is closed. No costs.

27.01.2026

Index:Yes/No
Neutral Citation:Yes/No
Internet:Yes
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To

1. The Family Court, Cuddalore.
2. The Subordinate Court, Ulundurpet, Kallakurichi District.



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DR. A.D.MARIA CLETE

dsn

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