



WEB COPY

TR CMP. No.383 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

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

**TR.CMP. No.383 of 2025
and CMP. No.8454 of 2025**

Pandeeswari @ Sharmila

..Petitioner(s)

Vs

Rajivgandhi

..Respondent(s)

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the CPC, to withdraw the petition in the O.P. No.122 of 2024 pending on the file of the Sub Court, Thiruvavarur and transfer the same to the learned Principal Sub Court, Kumbakonam.

For Petitioner(s): Mr.C.Santhosh Kumar

For Respondent(s): Mr.L.Ramu

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition seeking transfer of O.P. No.122 of 2024, pending on the file of the Sub Court, Thiruvavarur to the Principal Sub Court, Kumbakonam.

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

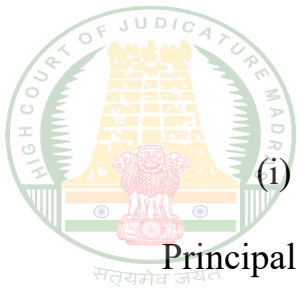


3. According to the learned counsel for the petitioner, the petitioner has to take care of the aged parents and who are also sick and she is not in a position to travel up and down 100 kms for every single hearing. He would therefore pray for the transfer application being ordered.

4. Per contra, learned counsel appearing for the respondent would state that the distance between the Sub Court, Thiruvarur and Sub Court, Kumbakonam is only about 45 kms and the petitioner is admittedly able bodied and she can easily cover the distance to attend the proceedings without any inconvenience whatsoever. She would also state that the matter is at trial stage and petitioner is in the box has to be cross examined by the learned counsel for the petitioner/wife.

5. Considering the above, I do not see any requirement to accede to the request for transfer at this juncture. The petitioner is not prejudiced in any manner, if she is going to attend the proceedings on the dates when her presence is required and not for all hearings and the matter is also not before the Family Court, where the presence of the parties is mandatory, and it is only a Sub Court hearing the divorce petitions.

6. In such circumstances, the Transfer Civil Miscellaneous Petition is **disposed of** in the following manner:-



(i) The request for transfer from Sub Court, Thiruvarur to the learned Principal Sub Court, Kumbakonam is dismissed.

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(ii) The learned Sub Judge, Thiruvarur, shall not ordinarily insist on the presence of the petitioner/wife for all hearing dates, except when the petitioner presence is absolutely necessary for the purposes of examining herself in chief and cross and probably, for instructing her Counsel for cross examination of petitioner's witnesses. If and when the petitioner appears, the petitioner shall be compensated for the expenses and the respondent/husband shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) for each hearing, the respondent attends the proceedings before the Thiruvarur. This way equity will prevail and the proceedings can also be expedited. The Family Court, shall dispose of HMOP No.122 of 2024, within a period of six (6) months on or before 31.01.2027. Consequently, connected Miscellaneous Petition is also closed. No costs.

30-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKP

To

The Principal Sub Judge, Kumbakonam.



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P.B.BALAJI J.

RKP

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