



WEB COPY

TR.CMP. No.571 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

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

TR.CMP No. 571 of 2026

AND

CMP NO.16258 of 2026

Parvin Beguam

..Petitioner(s)

Vs

Mouhamed Ghouse

..Respondent(s)

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw O.S. No.4 of 2026 on the file of the Family Court, Villupuram and transfer the same to the Family Court, Cuddalore to enable joint or simultaneous trial.

For Petitioner(s): Mr.Gururaj for
Mr.D.Baskar

For Respondent(s): Mr.Ali Hasan Khan

ORDER

Heard Mr.Gururaj, learned counsel for the petitioner and Mr.Ali Hasan Khan, learned counsel for the respondent.

2. The petitioner is the wife who has filed Maintenance Claim proceedings before the Family Court, Cuddalore. Pending the said Maintenance Claim, the respondent has chosen to initiate proceedings for dissolution of the



marriage between the petitioner and the respondent before the Family Court, Villupuram. The petitioner expressing inconvenience and difficulties in travelling from Cuddalore, where she resides to attend the proceedings before the Villupuram Court, has come forward with the present Application.

3. Mr.Gururaj, learned counsel for the petitioner would take me through the averments in the affidavit in support of the Transfer Civil Miscellaneous Petition and state that the petitioner is having custody of a two years old minor daughter and it would be practically impossible for the petitioner to leave the child alone and attend the proceedings before the Family Court, Villupuram. It is also his contention that the respondent is in anyway attending the proceedings before the Family Court, Cuddalore in the Maintenance case, initiated by the petitioner. He would therefore state that no prejudice would be caused to the respondent, if the Transfer Civil Miscellaneous Petition is allowed as prayed for.

4. Per contra, Mr.Ali Hassan Khan, learned counsel appearing for the respondent would state that the distance between the place of the residence and the Family Court, Villupuram is roughly 40 kms only and there would be no difficulty or in convenience caused to the petitioner. He would also state that the petitioner is living with her parents and it is not as if, there is nobody to take care of the minor child. He would also state that the respondent is a resident of



Chennai and it would be equally inconvenient for the respondent to go all the way to attend the proceedings before the Family Court at Cuddalore, if the Transfer Miscellaneous Petition is allowed. Therefore, he would pray for the dismissal of the Transfer Civil Miscellaneous Petition.

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

6. Admittedly, the petitioner has already initiated proceedings for Maintenance before the Family Court, Cuddalore. Pending the same, despite conscious of the fact that the petitioner is a resident of Cuddalore, the respondent has chosen to file the divorce petition before the Family Court, Villupuram. Now the petitioner is obligated to attend the proceedings before the Family Court, Villupuram where presence of the parties is mandatory before the Family Court. It is not in dispute that the petitioner is having custody of minor two years old child, though its is the contention of the respondent that the respondent is taking care of all financial needs of the minor daughter.

7. In view of the above, I see reasonable just cause made out for the transfer of the divorce petition filed by the respondent/husband before the Family Court, Villurpuram. In the light of the above, this Transfer Miscellaneous Petition is allowed. Consequently, O.S. No.4 of 2026 on the file



P.B.BALAJI.J.,

of the Family Court, Villupuram is withdrawn and transferred to the file of Family Court, Cuddalore. It is however made clear that the Family Court, Cuddalore shall not ordinarily insist on the physical presence of the both the parties, except on the dates where their presence would be mandatory (chief examination and cross examination) and on all other dates, both the parties shall be permitted to represent through their Counsel. Consequently, connected Miscellaneous Petition is closed. No costs.

06-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKP

To

1.The Judge, Family Court, Villupuram.

2.The Judge, Family Court, Cuddalore.

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