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TR CMP No. 962 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**TR CMP No. 962 of 2024
and CMP No.21037 of 2024**

1. R.Kalpana
W/o. Murugaiyan, D/o. Rajendran, No.10,
Chelliamman Street, Aynabakkam (I.C.F.
Colony), Ambattur Tk, Thiruvallur District,
Chennai - 077.

Petitioner(s)

Vs

1. P. Murugaiyan
S/o. Perumal, No.465E, Block 29, Neyveli,
Neyveli Tk, Cuddalore Dt - 807.

Respondent(s)

Petition filed under Section 24 of Civil Procedure Code to withdraw HMOP No.43 of 2023 from Subordinate Court, Neyveli and transfer the same to Subordinate Court, Ambattur.

For Petitioner(s): Ms.Vidhyasree
For Ms.A. Sumathy

For Respondent(s): P.Muthukumarasamy

ORDER

Heard learned counsel Ms.Vidhyasree, for Ms.A.Sumathy, counsel for the



TR CMP No. 962 01 2024

petitioner/wife and Mr.P.Muthukumarasamy, learned counsel for the respondent/husband.

2. Learned counsel for the petitioner states that the petitioner is having custody of two minor children, who are studying in the outskirts of Chennai and the petitioner is wholly dependent on her brother and she is not in a position to go over to attend the Family Court proceedings before Sub Court, Neyveli and the transfer is made on these grounds.

3. Mr. P.Muthukumarasamy, learned counsel for the respondent/husband would state that even prior to the petitioner initiating domestic violence proceedings against the respondent/husband, the respondent has lodged a complaint before the Neyveli Police Station for threats having been issued by the petitioner/wife. He would also state that the matter is now pending only before the Sub Court and there is no requirement for the petitioner/wife to appear on all hearing dates and there is also additional facility to appear through Video Conferencing. Learned counsel for the respondent also states that the petitioner does not live in Chennai and has given a false address only for the purpose of maintaining this transfer petition and seeking transfer of HMOP No.43 of 2023 in order to protract the proceedings. Learned counsel therefore prays for dismissal of the revision.

4. I have carefully considered the submissions made by the learned counsel on



TR CMP No. 962 01 2024

either side.

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5. In fact, pursuant to the counter affidavit filed in Tr.C.M.P.No.962 of 2024, an additional typed set of papers has been filed by the petitioner/wife in April, 2026 which contains the bonafide school certificates issued for the minor children of the petitioner and the respondent which indicates that the children are studying in the outskirts of Chennai. The Aadhar card of the petitioner/wife also reflects that she is the resident of Padi. Therefore, the doubts entertained by the respondent/husband that the petitioner does not actually reside in Chennai has no merits and cannot be countenanced.

6. With regard to the transfer request, the petitioner, admittedly has custody of two minor children and as held by number of decisions of Hon'ble Supreme Court as well as this Court, convenience of the wife in matters of matrimonial dispute would be a paramount consideration.

7. Taking into consideration the above various decisions of the Hon'ble Supreme Court as well as this Court, I am inclined to entertain the transfer request.

8. Accordingly, Tr.C.M.P.No.962 of 2024 is allowed and the proceedings pending in HMOP No.43 of 2023 on the file of Subordinate Court, Neyveli are withdrawn and transferred to the Subordinate Court, Ambattur.



WEB COPY



TR CMP No. 962 of 2024

P.B.BALAJI,J

sr

9. It is made clear that the Sub Court, Ambattur shall not insist ordinarily on the presence of the respondent/husband for all hearing dates except for recording the evidence of the respondent/husband in chief and cross. For all other hearing dates, the respondent/husband is entitled to engage a counsel of his choice to represent him.

No costs. Consequently, connected miscellaneous petition is closed.

22.07.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

1. The Sub Court, Neyveli
2. The Sub Court, Ambattur

TR CMP No. 962 of 2024