



Tr.C.M.P.No.63 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.63 of 2025

and

C.M.P.No.1319 of 2025

Seetha Devi,
W/o.Vigneswaran,
D/o.Loganathan,
Nadar Colony, Mettupatty,
Vazhapadi, Salem District.

... Petitioner

Vs

Vigneswaran,
W/o.Gunasekaran,
Door No.128, Pudhu Valasu,
Sundakkapalayam, Kunnathur,
Uthukuli Taluk, Thiruppur District.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.55 of 2022 on the file of Sub Court at Avinashi and transfer the same to Family Court at Salem and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.Nalliyappan, Advocate.



Tr.C.M.P.No.63 of 2025

For respondents : Served – No appearance.

WEB COPY

ORDER

Heard.

2. This petition under Section 24 of the Code of Civil Procedure is filed by the wife seeking withdrawal of H.M.O.P.No.55 of 2022 from the file of the Sub Court, Avinashi, Tiruppur District, and transfer of the same to the file of the Family Court, Salem.

3. The marriage between the petitioner/wife and the respondent/husband was solemnised on 01.11.2017 at Kothandaramasamy Temple, Ayothiyapatinam, Salem District, followed by a reception at Kulalar Thirumana Mandapam, Ayothiyapatinam. The respondent has filed H.M.O.P.No.55 of 2022 before the Sub Court, Avinashi, seeking divorce on the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955.

4. The petitioner states that she is presently residing with her aged parents at Nadar Colony, Mettupatty, Vazhapadi, Salem District; that the distance between her residence and Avinashi is about 100 kilometres; that she has no independent income and is dependent upon her parents; and that they are not in a position to accompany her on every hearing date. She contends that repeated



Tr.C.M.P.No.63 of 2025

travel to Avinashi would cause severe hardship and seeks transfer of the HMOP to the Family Court at Salem.

5. It is settled law that, in matrimonial proceedings, particularly where the husband has instituted the petition, the convenience of the wife is to be given predominant consideration while deciding applications for transfer. The Supreme Court has consistently taken this view while ordering transfer of matrimonial cases to the place where the wife resides, bearing in mind her financial constraints, social circumstances and the distance involved.

6. In the present case, the petitioner is a young woman living with her aged parents at Salem District, with no material to show that she has any independent means to sustain frequent long-distance travel. On the other hand, there is nothing on record to indicate that the respondent will suffer any comparable hardship if he is required to contest the case before the Family Court at Salem. On a comparative assessment of hardship, the balance clearly tilts in favour of the petitioner.

7. In these circumstances, this Court is satisfied that the ends of justice warrant transfer of H.M.O.P.No.55 of 2022 from the Sub Court, Avinashi, to the Family Court, Salem.



Tr.C.M.P.No.63 of 2025

8. Accordingly, Tr.C.M.P.No.63 of 2025 is allowed. H.M.O.P.No.55 of 2022 on the file of the Sub Court, Avinashi, Tiruppur District, is withdrawn and transferred to the file of the Family Court, Salem. The learned Sub Judge, Avinashi, shall transmit the entire records in H.M.O.P.No.55 of 2022 to the Family Court, Salem, within a period of three (3) weeks from the date of receipt of a copy of this order and the Family Court, Salem shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay already granted by this Court on 24.01.2025 shall stand vacated and C.M.P.No.1319 of 2025 is closed. There shall be no order as to costs.

08.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



Tr.C.M.P.No.63 of 2025

To
WEB COPY

1.The Sub Court,
Avinashi.

2.The Family Court,
Salem.



WEB COPY



Tr.C.M.P.No.63 of 2025

DR. A.D. MARIA CLETE, J

mfa/ay

Tr.C.M.P. No.63 of 2025

Dated: 08.12.2025