



Tr.C.M.P.No.101 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.101 of 2025

and

C.M.P.No.2061 of 2025

P.Valarmathi
D/o.Poovavalavan
No.63, S.V.S.Nagar, Anex 4th Street,
Valasaravakkam,
Thiruvallur – 600 087.

... Petitioner

Vs

R.Vinoth Kumar,
S/o.Ramalingam
No.34, Rajappan nagar,
Old Vandipalaiyam,
Karaiyeravittakuppam,
Cuddalore.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.232 of 2023, pending on the file of the Family Court at Cuddalore and to transfer the same to the Family Court at Chennai 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.MA.Gouthaman, Advocate.

For respondents : Served – No appearance.

ORDER



2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife
Section 24 of the Code of Civil Procedure with a prayer seeking withdrawal of
O.P. No.232 of 2023 from the file of the Family Court, Cuddalore, and transfer of
me to the Family Court, Chennai.

4. It is seen that the respondent–husband first instituted H.M.O.P. No.232 of 2023 on the file of the Family Court, Cuddalore, in May 2023, seeking dissolution of the marriage under Section 13 of the Hindu Marriage Act. Subsequently, in September 2023, the petitioner–wife filed H.M.O.P. No.445 of 2023 before the Sub Court, Poonamallee, seeking dissolution of the very same marriage on the ground of cruelty.



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5. In her affidavit, the petitioner states that both she and the respondent are residing in and around Chennai. She is a working woman employed in a private concern at Perungudi, Chennai, and is presently living at Valasaravakkam. She has submitted that she finds it extremely difficult to travel from Chennai to Cuddalore for every hearing, that she has to depend on others to accompany her, and that such travel causes serious hardship in balancing her employment and the litigation. The petitioner further alleges that the respondent has filed his H.M.O.P. at Cuddalore only with an intention to drag the proceedings and harass her by compelling travel from Chennai to Cuddalore, although both parties have their present connections with Chennai.

6. It is also relevant that two petitions for dissolution of the same marriage are pending between the parties—one at Poonamallee and another at Cuddalore. Though the prayer in the present Tr.C.M.P. is confined to transfer of H.M.O.P. No.232 of 2023 to Family Court, Chennai, the learned counsel submitted that as such the transfer sought is to the Sub Court, Poonamallee. Considering the totality of the circumstances this court is inclined to allow this petition as no case is made out by the respondent for choosing a distant court at Cuddalore.



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7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and it is ordered that H.M.O.P. No.232 of 2023 on the file of the Family Court, Cuddalore shall be withdrawn and transferred to the file of the Sub Court, Poonamallee. The learned Judge, Family Court, Cuddalore, shall transmit the entire records in H.M.O.P. No.232 of 2023 to the Sub Court Poonamallee, within a period of three weeks from the date of receipt of a copy of this order and the Sub Court, Poonamallee shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim order already granted by this Court on 30.01.2025 shall stand vacated and C.M.P. No.2061 of 2025 is closed. There shall be no order as to costs.

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

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1.The Family Court,
Cuddalore.

2.The Family Court,
Chennai.



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DR. A.D. MARIA CLETE, J

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