



Tr.C.M.P.No.163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.163 of 2024

and

C.M.P.No.3200 of 2024

Chitra

... Petitioner

Vs

Kumaresan

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.330 of 2023 from the file of the Additional Subordinate Court, Kumbakonam and transfer the same to the Family Court, Nagapattinam.

For Petitioner : Mr.S.Saravanan

For Respondent : No appearance

ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the wife / respondent in H.M.O.P.No.330 of 2023 seeking withdrawal of the said H.M.O.P. from the file of the Additional Subordinate Court, Kumbakonam, and transfer of



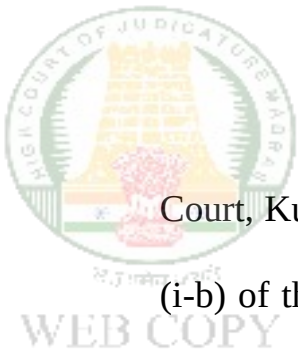
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the same to the Family Court, Nagapattinam, under Section 24 of the Code of Civil Procedure.

3. The marriage between the petitioner and the respondent was solemnised on 19.02.2010 at S.T.R.M.K. Thirumana Mandapam, Sikkal Main Road, Nagapattinam, as per Hindu rites and customs. They have two minor children, a son, Sai Krishnan, and a daughter, Iniya, who are of school-going age and are residing with the petitioner.

4. The petitioner is employed as an Anganwadi Worker at the Anganwadi Centre, Sengamangalam, and resides in a rented house at Sengamangalam, Nagapattinam District. She earns about Rs.8,000/- per month, out of which, Rs.4,000/- is paid towards rent and the balance is utilised for maintaining herself and the minor children. She has undergone surgery for stomach tumour and claims to be still discharge the loans availed for the said treatment.

5. The respondent is stated to be employed abroad, earning around Rs.1,50,000/- per month, besides deriving income from agricultural lands. It is the grievance of the petitioner that the respondent has neither maintained her and the children nor evinced concern for their welfare or her health. The respondent has instituted H.M.O.P.No.330 of 2023 before the Principal / Additional Subordinate



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Court, Kumbakonam, seeking dissolution of marriage under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955. The said H.M.O.P. is at the stage of filing counter by the petitioner.

6. The petitioner has, in the meanwhile, filed M.C.No.1 of 2023 under Section 125 Cr.P.C. before the District Munsif-cum-Judicial Magistrate, Kilvelur, Nagapattinam District, claiming maintenance for herself and the minor children, and she is attending the said proceedings. It is stated that the distance between Nagapattinam / Kilvelur and Kumbakonam is about 68 kilometres and that it takes more than two hours to reach Kumbakonam. Being a working woman with two minor children, having limited means and health issues, she pleads hardship in travelling to Kumbakonam for every hearing.

7. The power under Section 24 CPC is discretionary and must be exercised in the interests of justice, bearing in mind the convenience of the parties. In matrimonial matters, it is well-settled that the convenience of the wife and minor children should ordinarily receive predominant consideration, particularly, when the husband is financially better placed.

8. In the present case, the petitioner is residing and working at Sengamangalam in Nagapattinam District, the two minor children are under her care, her income is modest, and maintenance proceedings in M.C.No.1 of 2023 is



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already pending within the same district at Kilvelur. The respondent, who has chosen to institute the matrimonial proceedings and is employed abroad with better financial capacity, would not suffer any serious prejudice, if the H.M.O.P. is tried at Nagapattinam. On the other hand, compelling the petitioner to travel about 68 kilometres to Kumbakonam for each hearing would cause her undue hardship.

9. The Family Court, Nagapattinam, is competent to try the matrimonial proceedings, in view of the pendency of the maintenance case within Nagapattinam District, it would also be conducive to convenience and to avoiding multiplicity of appearances to have all related matters tried within the same jurisdiction.

10. In the above circumstances, and having regard to the settled principle that in transfer of matrimonial proceedings, the convenience of the wife and minor children should normally prevail, this Court is satisfied that sufficient grounds are made out for transfer.



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11. In the result,

(i) Tr.C.M.P.No.163 of 2024 is allowed.

(ii) H.M.O.P.No.330 of 2023 on the file of the Additional Subordinate Court, Kumbakonam, Thanjavur District, is withdrawn and transferred to the file of the Family Court, Nagapattinam.

(iii) The Principal / Additional Subordinate Court, Kumbakonam, shall transmit the entire records in H.M.O.P.No.330 of 2023 to the Family Court, Nagapattinam, within a period of four (4) weeks from the date of receipt of a copy of this order. Interim stay already granted by this Court on 21.02.2024 shall stand vacated and C.M.P.No.3200 of 2024 is closed. No costs.

05.12.2025

dpq

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



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To
WEB COPY

1.The Principal/Additional Subordinate Judge,
Principal / Additional Subordinate Court,
Kumbakonam,
Thanjavur District.

2.The Judge,
Family Court,
Nagapattinam.



WEB COPY



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DR. A.D. MARIA CLETE, J

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Dated: 05.12.2025