



Tr.C.M.P.No.437 of 2024

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.437 of 2024

and

C.M.P.No.8969 of 2024

V.Usha, F/A-36,
D/o.Vadamalai,
Asappur Village,
Marakkanam road, Sunamedu Post,
Tindivanam taluk,
Villupuram District.

... Petitioner

Vs

Mr.Selvaraj,
S/o.Samikkannu,
No.1117, North Street,
Sathiyappattu Village,
Panruti Taluk,
Cuddalore District.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case on the file of the Sub court, Panruti in H.M.O.P.No.23 of 203 and transfer the same to the Principal Sub Court, Tindivanam and pass such further or other orders as this court may deem fit and proper in circumstances of the case and thus render justice.

For Petitioner : Mr.N.Subburaj.

For respondent : Mr.M.Ponmudi.



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ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/ wife seeking withdrawal of H.M.O.P. No.23 of 2023 on the file of the learned Sub Judge, Panruti and transfer of the same to the file of the learned Principal Sub Judge, Tindivanam.

3. The marriage between the petitioner and the respondent was solemnised on 11.02.2008 at Panruti. Two male children were born of the wedlock and are presently residing with the petitioner at Asappur village, within the jurisdiction of Tindivanam. The respondent/husband has instituted H.M.O.P. No.23 of 2023 at Panruti seeking dissolution of marriage.

4. The petitioner states that she was constrained to leave the matrimonial home with the minor children due to alleged cruelty, including physical violence, dowry-related demands and non-provision of maintenance, and that she is now residing with her parents. She is unemployed, has the sole care of two school-going children, and submits that there is no direct transport between Marakkanam/Tindivanam and Panruti, requiring a travel time of 4–5 hours one way, which she is unable to afford physically and financially. Her application under



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Section 24 of the Hindu Marriage Act for interim maintenance is stated to be pending without reply.

5. The respondent, in his counter, denies the allegations of cruelty and contends that the petitioner has deserted him. He asserts that the Sub Court, Panruti is the proper jurisdictional forum, that the distance is manageable with available public transport and virtual hearing facilities, and that transfer to Tindivanam would cause hardship to him as a daily wage earner supporting aged parents.

6. In the present case, the petitioner is a non-earning woman with two minor sons in her care, living at a considerable distance from Panruti with no direct bus connectivity and asserting absence of maintenance. Requiring her to undertake repeated, long and costly journeys to contest the divorce petition would, in effect, place a substantial procedural burden upon her and risk her effective participation in the proceedings. While the respondent's hardship as a daily wage worker is noted, he is a mobile earning member with comparatively greater capacity to access the court at Tindivanam than the petitioner with two minor children has to access the court at Panruti. The balance of convenience thus leans in favour of the petitioner.

7. Accordingly, Tr.C.M.P. No.437 of 2024 is allowed. H.M.O.P. No.23 of 2023 pending on the file of the learned Sub Judge, Panruti is withdrawn and



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transferred to the file of the learned Principal Sub Judge, Tindivanam. The learned Sub Judge, Panruti shall transmit the entire records within a period of three weeks from the date of receipt of a copy of this order. The learned Principal Sub Judge, Tindivanam shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Consequently, connected C.M.P. No.8969 of 2024 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



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To

1.The Sub Court,
Panruti.

2.The Sub Court,
Tindivanam.



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DR. A.D. MARIA CLETE, J

mfa/ay

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