



Tr.C.M.P.No.371 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.371 of 2024

Parameshwari
W/o.Karthick
D/o.Ammasani @ Anbu,
D.No.2/164, Kuppanur Village & Post,
Palacode Taluk,
Dharmapuri District – 635 116.

... Petitioner

Vs

Karthick,
S/o.Late Rathinam
No.2/1, Kudanur Kattuvalu,
Chettymankuruchi Village and Post,
Edappadi Taluk, Salem district – 637 101.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.78 of 2023 on the file of Subordinate Court, Sankageri, Salem District and transfer the same to Sub Court, Pala Code, Dharmapuri District 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.T.Ganesan.

For respondent : Served – No appearance.



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ORDER

Heard.

2. This petition is filed by the petitioner/wife under Section 24 of the Code of Civil Procedure seeking transfer of H.M.O.P. No.78 of 2023 instituted by the respondent–husband for dissolution of marriage on the file of the Subordinate Court, Sankagiri, Salem to the Sub Court, Palacode, Dharmapuri.

3. The marriage between the petitioner and the respondent was solemnised on 24.02.2021 at Arulmigu Maragatha Valli Sametha Ulaganatha Eswaran Temple, Kottamedu, Chettymankuruchi, Edappadi Taluk, Salem as per Hindu rites and customs. Out of the wedlock, a male child was born on 08.12.2021. The petitioner states that she was driven out from the matrimonial home and, ever since the bangle ceremony, she has been residing with her aged parents at Kuppanur Village, Palacode Taluk, Dharmapuri District, along with the minor child.

4. It is the further case of the petitioner that the respondent is not paying any maintenance either to her or to the child. To attend the proceedings in H.M.O.P. No.78 of 2023 pending at Sankagiri, she has to travel about 150 kilometres from her village, change multiple buses, and undertake the journey along with the minor child, which causes great hardship. She claims to have no independent income, whereas the respondent is stated to be financially well placed.



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On these grounds, she seeks transfer of the matrimonial proceedings to Palacode, which is the nearest Court to her present place of residence.

5. While considering a transfer of proceedings at the instance of the wife, the convenience of the wife and, more importantly, that of the minor child, should ordinarily be given primacy, particularly where she has no independent means and is compelled to live with her parents.

6. In the present case, the proceedings in H.M.O.P. No.78 of 2023 have been initiated by the husband at Sankagiri. The wife is residing with a minor child of tender age at her parental home in Palacode Taluk. The distance to Sankagiri is substantial; compelling the petitioner to travel such distance would effectively deny her a meaningful opportunity to defend the proceedings. On the other hand, no material is placed by the respondent-husband to show that he would suffer greater hardship if the proceedings are tried at Palacode. Having regard to the totality of circumstances, this Court is of the view that the petitioner has made out a just and reasonable case for transfer.

7. Accordingly, Tr.C.M.P. No.371 of 2024 is allowed and H.M.O.P. No.78 of 2023, pending on the file of the Subordinate Court, Sankagiri, Salem District, is withdrawn and transferred to the file of the Sub Court, Palacode, Dharmapuri District. The learned Subordinate Judge, Sankagiri shall transmit the entire records



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in H.M.O.P. No.78 of 2023 to the Sub Court, Palacode, within a period of three weeks from the date of receipt of a copy of this order. The Sub Court, Palacode, 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 04.04.2024 shall stand vacated and C.M.P. No.7867 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

To

1.The Subordinate Court,
Sankageri,
Salem District.

2.The Subordinate Court,
Palacode,
Dharmapuri District.

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DR. A.D. MARIA CLETE, J

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Dated: 08.12.2025