



Tr.C.M.P.No.454 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.454 of 2025

and

C.M.P.No.10587 of 2025

Selvi @ Aruldarthi, (F/39)
W/o. S.Arputharaj @ Muthuraja,
D/o. Backiyaraj,
No.301-A, Alagu Nagar,
Kulathur, Illupur Taluk,
Pudhukottai District – 622 504.

... Petitioner

Vs.

S.Arputharaj @ Muthuraja, (M/48)
S/o. Subramani,
No.15/58, Kumaran Nagar, 5th Street,
Kaladipet, Thiruvottiur,
Chennai – 600 019.

... Respondent

PRAYER in Tr.C.M.P.:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C.,to withdraw I.D.O.P. No.130 of 2024 from the file of the Principal District and Sessions Court, Tiruvallur and transfer the same to the file of the Family Court, Pudukkottai by appreciating the above said facts and pass any such order and thus render justice.



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PRAYER in C.M.P. : Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure stay of all further proceedings in I.D.O.P. No.130 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur pending disposal of the Transfer Civil Miscellaneous Petition and thus render justice.

For Petitioner : Ms.K.Mumtha

For respondent : Mr.A.Swaminathan.

O R D E R

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking transfer of I.D.O.P. No.130 of 2024 from the file of the Principal District and Sessions Court, Tiruvallur to the file of the Family Court, Pudukkottai.

3. The petitioner/wife states that the marriage between the parties was solemnised on 28.05.2009 at Illupur Taluk, Pudukkottai District and they are blessed with two girl children, who are in her care and custody. The respondent/husband has filed the divorce proceedings as I.D.O.P. No.130 of 2024 at Tiruvallur.



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4. The petitioner would submit that she is residing with her parents at Kulathur, Illupur Taluk, Pudukkottai District and she is doing daily-wage work, and she is dependent on her parents for meeting her basic needs and for taking care of the two school-going children. She would further submit that the travel from Pudukkottai to Tiruvallur is more than 750 km (up and down), involving multiple modes of transport, additional expenses, and that she has to travel alone with safety concerns, making it extremely difficult to attend the proceedings at Tiruvallur.

5. The petitioner also asserts that the respondent has chosen Tiruvallur for his convenience and that the said choice causes undue hardship and inconvenience to her.

6. It is well settled that in matrimonial proceedings, while considering transfer, the convenience of the wife, particularly when she is having custody of minor children and is placed in a disadvantageous position to travel and contest, deserves primacy, unless overriding circumstances are shown by the opposite party. In the case on hand, the materials placed show substantial hardship to the petitioner in travelling from Pudukkottai to Tiruvallur repeatedly for hearing/mediation,



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whereas the respondent, who is shown to be residing at Chennai/Thiruvottiur, can comparatively undertake travel to Pudukkottai without such disabling hardship.

7. For the aforesaid reasons, this Court is inclined to allow the transfer petition.

8. Accordingly, Tr.C.M.P. No.454 of 2025 is allowed. I.D.O.P. No.130 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur, is withdrawn and transferred to the file of the Family Court, Pudukkottai. The Principal District and Sessions Court, Tiruvallur, shall transmit the entire records to the Family Court, Pudukkottai, within three (3) weeks from the date of receipt of this order and the Family Court, Pudukkottai 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.10587 of 2025 is closed. There shall be no order as to costs.

18.12.2025

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

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To
WEB COPY

1.The Principal District and Sessions Court,
Tiruvallur.

2.The Family Court,
Pudhukottai.



WEB COPY



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DR. A.D. MARIA CLETE, J

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