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Tr.C.M.P. No.587 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.587 of 2025

and C.M.P. No. 14407 of 2025

M. Malini

... Petitioner

Vs

Vinothrajan

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P. No.124 of 2024 on the file of the Sub Court, Gingee and transfer the same to the file of the Family Court, Cuddalore.

For Petitioner : M/s.T.Hemalatha

For Respondent : Mr.G.Mohammed Aseef

ORDER

Heard.

2. The present Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P. No.124 of 2024, pending on the



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file of the Sub Court, Gingee, to the Family Court, Cuddalore.

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3. The marriage between the petitioner and the respondent was solemnized on 27.08.2023 according to Hindu rites and customs. The respondent/husband has instituted the above H.M.O.P.124 of 2024 seeking dissolution of marriage on the ground of cruelty.

4. The case of the petitioner is that after marriage, the matrimonial home was set up at Bangalore and subsequently at Chennai. Due to matrimonial discord, she was allegedly driven out of the matrimonial home and is now residing with her parents at Cuddalore. It is further stated that she is suffering from severe mental health issues, including depression, and has undergone medical treatment and hospitalization, as evidenced by the medical records filed along with the petition.

5. The petitioner has specifically pleaded that travelling from Cuddalore to Gingee for every hearing causes extreme physical and mental hardship. She is stated to be dependent on her parents for emotional and physical support and is unable to travel independently.



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6. It is a well-settled proposition of law that in matrimonial proceedings, convenience of the wife deserves paramount consideration, particularly when she is residing at a different place and is facing health-related difficulties. The Hon'ble Supreme Court and this Court have consistently held that such transfers are warranted to ensure effective access to justice and to avoid undue hardship to the wife.

7. In the present case, considering the residence of the petitioner at Cuddalore, her medical condition, and the fact that the proceedings are at a nascent stage, this Court is of the considered view that no serious prejudice would be caused to the respondent if the matter is transferred. On the other hand, refusal to transfer would result in grave hardship to the petitioner. Therefore, this Court finds sufficient cause to allow the Transfer Civil Miscellaneous Petition.

8. Accordingly, Tr.C.M.P. No.587 of 2025 is allowed. H.M.O.P. No.124 of 2024 on the file of the Sub Court, Gingee, is withdrawn and transferred to the file of the Family Court, Cuddalore. The Sub Court, Gingee, shall transmit the entire records to the Family Court, Cuddalore, within a period of three (3) weeks from the date of receipt of a

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copy of this order and the Family Court, Cuddalore, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this Court on 25.06.2025 shall stand vacated and C.M.P. No.14407 of 2025 is closed. There shall be no order as to costs.

18.12.2025

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To

- 1.The Sub Judge, Gingee.
- 2.The Family Court, Cuddalore.



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Dr.A.D.MARIA CLETE, J.

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and

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18.12.2025