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Tr.C.M.P. No.603 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.603 of 2025

and

C.M.P. No.14786 of 2025

Swathilakshmi

... Petitioner

Vs

Hariesh

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the petition for divorce filed by the respondent in H.M.O.P.No.24 of 2025, pending on the file of the Family Court, Thanjavur, to the file of the Subordinate Court, Tiruvarur.

For Petitioner : Mr.S.Senthil

For Respondent : No Appearance

ORDER

Heard.



Tr.C.M.P. No.603 of 2025

2. The present Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.24 of 2025, pending on the file of the Family Court, Thanjavur to the Subordinate Court, Tiruvarur.

3. The marriage between the petitioner and the respondent was solemnized on 21.08.2020 as per Hindu rites and customs. Out of the wedlock, a female child was born on 19.07.2021. The respondent/ husband has filed a petition for divorce in H.M.O.P.No.24 of 2025 on the file of the Family Court, Thanjavur.

4. The case of the petitioner is that she is presently residing along with her minor daughter at her parental home at Thiruthuraipoondi in Tiruvarur District. It is stated that the distance between Thiruthuraipoondi and Thanjavur is more than 60 kilometers and that it is extremely difficult for the petitioner, who is having the custody of a minor girl child, to travel to Thanjavur on every hearing date. It is further stated that the petitioner does not have any independent source of income and there is no one to accompany her for such long-distance travel. The transfer is sought to the Subordinate Court, Tiruvarur.



Tr.C.M.P. No.603 of 2025

5. It is well settled that in matrimonial matters, while considering a petition for transfer, the convenience of the wife and the welfare of the minor child are to be given paramount consideration. The difficulties expressed by the petitioner in travelling long distances along with a minor child appear to be genuine and reasonable. On the other hand, no serious prejudice would be caused to the respondent if the proceedings are transferred.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner has made out a valid and sufficient ground for transfer.

7. Accordingly, Tr.C.M.P. No.603 of 2025 is allowed. H.M.O.P.No.24 of 2025 on the file of the Family Court, Thanjavur, is withdrawn and transferred to the file of the Subordinate Court, Tiruvarur. The Family Court, Thanjavur, shall transmit the entire records to the Subordinate Court, Tiruvarur, within three (3) weeks from the date of receipt of this order and the Subordinate Court, Tiruvarur, 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

3/6



Tr.C.M.P. No.603 of 2025

01.07.2025 shall stand vacated and C.M.P. No.14786 of 2025 is closed.

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There shall be no order as to costs.

18.12.2025

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Tr.C.M.P. No.603 of 2025

To

- 1.The Family Court, Thanjavur.
- 2.The Subordinate Court, Tiruvarur.



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Tr.C.M.P. No.603 of 2025

Dr.A.D.MARIA CLETE, J.

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Tr.C.M.P. No.603 of 2025

and

C.M.P. No.14786 of 2025

18.12.2025