



Tr.C.M.P.No.797 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.797 of 2024

and

C.M.P.No.17600 of 2024

Kalaiselvi, F/36,
W/o.P.Senthil,
D/o.Rajamanikkam,
No.252, Selliyamman Kovil Street,
Thondankurichi, Thozhudhur Post,
Tittagudi Taluk, Cuddalore District – 606304.
Petitioner

...

Vs

P.Senthil,
S/o.Poomalai,
No.2/11, East street,
S.Ogaiyur Village and Post, Kallakurichi Taluk,
Kallakurichi District – 606204.
Respondent

...

PRAYER in TR.CMP.No.797 of 2024: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to order to withdraw the H.M.O.P.No.63 of 2022 on the file of the Principal Subordinate Judge at Kallakurichi, Kallakurichi District and transfer the same to Principal Sub Court Vriddhachalam, Cuddalore District by appreciating the above said facts and



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circumstances of the case and pass any such orders as this Court may deem fit and thus render justice.

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PRAYER in CMP.No.17600 of 2024: Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay all further proceedings in H.M.O.P.No.63 of 2022 on the file of the Principal Subordinate Judge at Kallakurichi, Kallakurichi District, pending disposal of the above Transfer Civil Miscellaneous Petition and thus render justice.

For Petitioner : Mr.T.Meganathan.

For Respondent : Ms.V.Srimathi.

ORDER

Heard.

2. This petition is filed by wife under Section 24 CPC seeking transfer of H.M.O.P. No.63 of 2022 from the Principal Sub Court, Kallakurichi to the Principal Sub Court, Vriddhachalam, Cuddalore district.

3. The marriage between parties solemnized on 18.03.2013 and have two minor children. The petitioner–wife submits that the respondent earlier filed H.M.O.P. No.81 of 2018 for divorce at Kallakurichi. That proceeding was already transferred by this Court in Tr.C.M.P. No.380/2018 to the Principal Sub Court, Vriddhachalam, where it was renumbered as H.M.O.P. No.86/2018. During



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those proceedings, the parties entered into an amicable settlement before the Lok Adalat on 08.02.2020, and the divorce petition was dismissed on settlement.

Despite this settlement, the respondent did not resume matrimonial life, and instead initiated fresh divorce proceedings in H.M.O.P. No.63/2022 at Kallakurichi, causing the petitioner additional hardship.

4. The petitioner resides with two minor children and is the sole caregiver for them and her aged parents. The distance to Kallakurichi is nearly 90 kilometres one way, involving multiple bus changes, causing serious difficulty and safety concerns. She also points out that the respondent is already attending M.C. No.14 of 2022 at Judicial Magistrate Court No.1, Vriddhachalam, and therefore no prejudice will be caused to him if transfer is ordered.

5. It is well-settled that in matrimonial matters, the convenience of the wife must be given paramount consideration in such transfer requests. The earlier litigation history demonstrates that Vriddhachalam was the forum where the parties litigated matrimonial issues, including the settled 2018 divorce petition; in all fairness the prayer of the petitioner requires consideration.

6. Accordingly, Tr.C.M.P. No.797 of 2024 is allowed. H.M.O.P. No.63 of 2022 on the file of the Subordinate Court, Kallakurichi, is withdrawn and transferred to the file of the Principal Sub Court, Vriddhachalam. The Subordinate



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Court, Kallakurichi, shall transmit the entire records in H.M.O.P.No.63 of 2022 to the Principal Sub Court, Vriddhachalam, within three (3) weeks from the date of receipt of this order. The Principal Sub Court, Vriddhachalam, shall thereafter proceed with the matter in accordance with law and dispose of it as expeditiously as possible, uninfluenced by any observations made in this order. Consequently, connected C.M.P.No.17600 of 2024 stands closed. There shall be no order as to costs.

10.12.2025

mfa/dna

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Principal Subordinate Judge,
Kallakurichi.

2.The Principal Sub Court,
Vriddhachalam,
Cuddalore.



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DR. A.D. MARIA CLETE, J

mfa/dna

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and

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Dated: 10.12.2025