



Tr.C.M.P.No.753 of 2025
and C.M.P.No.17647 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.753 of 2025
and
C.M.P.No.17647 of 2025

Priya

... Petitioner

Vs

S.Lakshmipathy

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw HMOP No.234 of 2021 pending before the Subordinate Court, Alandur and transfer the same to the file of the Family Court, Cuddalore,

For Petitioner : Mr.P.Kalaiarasan

For Respondent : Mr.S.N.Subramani

ORDER

The petitioner /wife has preferred the petition seeking to withdraw HMOP No.234 of 2021 pending on the file of the Subordinate Court, Alandur and transfer the same to the Family Court, Cuddalore.



Tr.C.M.P.No.753 of 2025
and C.M.P.No.17647 of 2025

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2. Heard the learned counsel on both sides.

3. The respondent / husband has filed an original petition before the Subordinate Court, Alandur, under Section 13(1)(a) of the Hindu Marriage Act, seeking a decree of divorce against the petitioner / wife on the ground of cruelty in H.M.O.P. No.234 of 2021. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 31.08.2017 in accordance with Hindu Rites and Customs at Pallikaranai, Chennai, in the presence of elders, relatives, friends and family members.

4. The learned counsel appearing for the petitioner/wife submits that the petitioner is residing at Cuddalore along with her parents. She is unable to travel to Alandur to contest the case filed by the respondent / husband. The petitioner is unable to take trip every month and the petitioner must be accompanied by elderly father and mother, which would impose severe physical strain on them, given their already fragile health. The learned counsel would further submit that it is just and



Tr.C.M.P.No.753 of 2025
and C.M.P.No.17647 of 2025

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5. *Per contra* the learned counsel appearing for the respondent submits that detailed counter affidavit has been filed by the respondent / husband. The learned counsel further would submit that the respondent / husband has filed proof affidavit and the same was recorded as PW1 in Chief and Ex.P1 to Ex.P5 were also marked and the case is posted for PW1 cross on 03.09.2025. Originally the case was filed before the Subordinate Court, Tambaram in the year 2019 and subsequently due to the jurisdictional bifurcation of court, the case has been transferred to the file of Subordinate Court, Alandur and the case was numbered as H.M.O.P.No.234 of 2021. The case was pending for more than five years and now the case was posted for PW1 cross, if the petitioner / wife is cooperated to conduct the case, the main case can be disposed of at the earliest point of time.

6. Considering the stage of the case that the H.M.O.P.No.234 of



Tr.C.M.P.No.753 of 2025
and C.M.P.No.17647 of 2025

2021 is posted for PW1 cross and at the stage if the petition is allowed to transfer, it would cause serious prejudice to either parties. Therefore, this Court is not inclined to allow the petition, however, the learned Subordinate Judge, Alandur, is requested to dispose of the main case in H.M.O.P. No.234 of 2021 as expeditiously as possible.

7. With the above observation, this Transfer Civil Miscellaneous Petition is disposed of. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

08.10.2025

mtl
Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

M. JOTHIRAMAN, J.

mtl



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Tr.C.M.P.No.753 of 2025
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To

1. The Subordinate Court, Alandur.
2. The Family Court, Cuddalore.

Tr.CMP.No.753 of 2025
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