



Tr.C.M.P.No.935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.935 of 2024

and

C.M.P.No.20399 of 2024

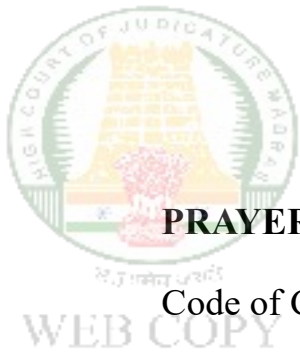
Mrs.S.Banumathi,
D/o.Mr.Late Selvaraj
W/o.Jaya Prakash,
No.127, Varavoor Mariyamman Koil Street,
Old Vandippalayam,
Cuddalore – 607 004.

... Petitioner

Vs.

Mr.Jayaprakash,
S/o.Soundarajan,
No.3A, Perumal Keezha Madavilagam,
Nagapattinam Taluk,
Nagapattinam District – 611 001.

... Respondent



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PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in H.M.O.P.No.3 of 2024 pending on the file of the Family court, Nagapattinam and transfer the same to the Family Court, Cuddalore and thus render justice.

For Petitioner : Ms.B.V.Sai Lakshmi, Advocate.

For respondent : Served – No appearance.

O R D E R

Heard.

2. The petitioner/wife has filed this petition seeks to withdraw H.M.O.P. No.3 of 2024, petition for restitution of conjugal rights filed by the respondent/husband, on the file of the Family Court, Nagapattinam and transfer it to the file of the Family Court, Cuddalore.



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3. The marriage between the parties was solemnised on 06.04.2022 and a girl child was born on 19.01.2023. Presently, the petitioner resides with the minor child at Cuddalore in her parental home. The respondent has instituted H.M.O.P. No.3 of 2024 on the file of the Family Court, Nagapattinam, seeking restitution of conjugal rights.

4. The petitioner seeks transfer of the said H.M.O.P. to the Family Court, Cuddalore, on the grounds that she has been subjected to dowry-related demands, physical assaults and emotional abuse in the matrimonial home, resulting inter alia in injury to her ear and continuing health issues; she is the sole caregiver of minor child, with no independent income and entirely dependent on her aged mother and brother in Cuddalore; she faces serious difficulty and apprehension in travelling to and staying at Nagapattinam, where the respondent's family is locally influential, while she has no support system; and legal aid as well as proposed proceedings for maintenance are already located at Cuddalore.



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5. Consistent with the settled principle that in matrimonial litigation the convenience of the wife and the welfare of minor children normally deserve precedence, and having regard to the petitioner's health, financial condition, caregiving responsibilities and safety concerns, this Court is satisfied that the balance of convenience and interest of justice decisively lean in favour of the petitioner.

6. No prejudice will be caused to the respondent by having the matter tried at Cuddalore, whereas refusal of transfer will effectively impair the petitioner's meaningful access to justice.

7. Accordingly, Tr.C.M.P. No. 935 of 2024 is allowed. H.M.O.P. No.3 of 2024 on the file of the Family Court, Nagapattinam is withdrawn and transferred to the file of the Family Court, Cuddalore. The Family Court, Nagapattinam shall



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transmit the entire records in H.M.O.P.No.3 of 2024 to the file of Family Court,

Cuddalore, within a period of three (3) weeks from the date of receipt of a 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. Interim stay already granted by this Court on 13.09.2024 shall stand vacated and Consequently, C.M.P. No. 20399 of 2024 is closed. No order as to costs.

08.12.2025

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



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To

1.The Family Court,
Nagapattinam.

2.The Family Court,
Cuddalore.



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DR. A.D. MARIA CLETE, J

mfa/ay

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Dated: 08.12.2025