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Tr.C.M.P.No.1017 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.1017 of 2024

and

C.M.P.No.22204 of 2024

G.Poonkuzali

D/o.Govindasamy

No.44/20, Periyar Dippo Street,

Thenimalai, Thandarampattu Main road,

Thiruvannamalai, Thenimalai – 606 601.

Petitioner

...

Vs.

V.Deepak @ Deepak Venkatesan

S/o.Venkatesan

Door No.2/529 B, Plot No.5,

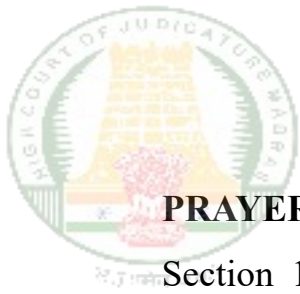
Mettu Street, VGN Nagar Main Road,

Iyyapanthangal, Poonamallee,

Chennai – 600 054.

... Respondent

PRAYER in Tr.C.M.P.No.1017 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.575 of 2023 pending on the file of the Sub Court, Poonamallee and transfer the same to the Family Court, Tiruvannamalai and thus render justice.



Tr.C.M.P.No.1017 of 2024

PRAYER in C.M.P.No.22204 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.575 of 2023 pending on the file of the Sub Court, Poonamallee pending disposal of the Tr.C.M.P.

For Petitioner : Mr.Ashraf Khan

For respondent : LCC served/No appearance

ORDER

Heard.

2. The petitioner/wife seeks withdrawal of H.M.O.P. No.575 of 2023 now pending before the Sub Court, Poonamallee, and transfer of the same to the Family Court, Tiruvannamalai, invoking the powers of this Court under Section 24 of the Code of Civil Procedure.

3. The brief facts leading to the petition are that the marriage between the petitioner and the respondent was solemnised on 08.09.2022. Disputes arose between the parties, resulting in the respondent/husband instituting H.M.O.P. No.575 of 2023 seeking dissolution of marriage before the Sub Court, Poonamallee. The petitioner contends that she is residing with her aged and ailing parents at Tiruvannamalai and does not have any independent income. She states that she is entirely dependent upon her parents for meeting even her basic needs. According to her, travel to Poonamallee for each and every hearing, involving

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considerable distance and expenses, imposes severe financial hardship and physical strain. She has also initiated proceedings under the Domestic Violence Act, namely D.V.C. No.40 of 2024, before the Judicial Magistrate, Additional Mahila Court, Tiruvannamalai. She therefore submits that it would be in the interest of justice and convenience if the matrimonial proceedings are tried at Tiruvannamalai.

4. It is well settled that in matrimonial matters, particularly when the wife seeks transfer, the convenience of the wife is the predominant consideration. In the present case, the petitioner has satisfactorily established her financial difficulty, lack of independent support, and the burden of long-distance travel. She is also required to attend proceedings already pending in Tiruvannamalai. No prejudice would be caused to the respondent if the case is transferred to the Family Court, Tiruvannamalai, whereas continuing the proceedings at Poonamallee would subject the petitioner to grave hardship. This Court therefore finds merit in the request for transfer.

5. In the result, Tr.C.M.P. No.1017 of 2024 is allowed. H.M.O.P. No.575 of 2023 pending on the file of the Sub Court, Poonamallee, is hereby withdrawn and transferred to the Family Court, Tiruvannamalai. The Sub Court, Poonamallee, shall transmit the entire records in H.M.O.P.No.575 of 2023 to the

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Family Court, Tiruvannamalai, within three (3) weeks from the date of receipt of a copy of this order. The Family Court, Tiruvannamalai, shall dispose of the matter as expeditiously as possible, in accordance with law, and uninfluenced by any observations made in this order. The interim stay granted by this Court on 03.10.2024 shall stand vacated. Consequently, C.M.P. No.22204 of 2024 is closed. There shall be no order as to costs.

10.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Sub Court,
Poonamallee.

2.The Family Court,
Tiruvannamalai.



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DR. A.D. MARIA CLETE, J

mfa/ay

Tr.C.M.P. No.1017 of 2024
and
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Dated: 10.12.2025