



WEB COPY



Tr.C.M.P.No.1085 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.1085 of 2024

and

C.M.P.No.23856 of 2024

Sreenetha,
W/o.Madhan Kumar,
No.84B/1, 6th Street, Periyagounder Nagar,
Vinayagapuram North,
Coimbatore North,
Saravanapatti,
Coimbatore – 641 035.

... Petitioner

Vs

Madhan Kumar,
S/o.Kannan,
No.13/1A, 1st Cross Street,
Muruganandapuram,
Tirupur.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.745 of 2023 on the file of Family Court at Tirupur and transfer the same to the Family Court at Coimbatore and to pass any orders which the Court may be think fit and proper under the circumstances of the case and thus render justice.



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For Petitioner : Mr. K. Milsamy, Advocate.

For respondent : Mr. M. Manoharan, Advocate.

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ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife under Section 24 of the Code of Civil Procedure, seeking withdrawal of H.M.O.P. No.745 of 2023 (husband's petition for divorce) from the file of the Family Court, Tiruppur and transfer of the same to the Family Court, Coimbatore.

3. The petitioner-wife states that the marriage between the parties was solemnised on 30.10.2022 at Tiruppur; she thereafter resided at the respondent's joint family home. She alleges that she was subjected to mental and physical cruelty by the respondent and his family members, was not supported in continuing her M.Com studies, and was ultimately driven out of the matrimonial home. She further states that the respondent, though financially well-off, has not provided maintenance, constraining her to file M.C. No.224 of 2023 for maintenance and H.M.O.P. No.1756 of 2023 for restitution of conjugal rights, both pending before the Family Court, Coimbatore.



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4. It is her grievance that the respondent has thereafter instituted H.M.O.P. No.745 of 2023 for divorce before the Family Court, Tiruppur only to harass her. She points out that Coimbatore and Tiruppur are about 60 kilometres apart and that for every hearing she must travel around 120 kilometres, without any elder to accompany her, while facing serious financial constraints. She is also apprehensive about her safety if compelled to contest the case at Tiruppur. On these grounds she seeks transfer of the divorce proceedings to Coimbatore, where the other two matrimonial proceedings are already pending.

5. The maintenance and restitution petitions between the same parties are already pending before the Family Court, Coimbatore. No prejudice will be caused to the respondent by appearing at Coimbatore, whereas the petitioner would suffer considerable hardship considering the petitioner's financial and social vulnerability, this Court is satisfied that the interests of justice require that the petition be allowed.

6. In the result, Tr.C.M.P. No.1085 of 2024 is allowed. H.M.O.P. No.745 of 2023 on the file of the Family Court, Tiruppur is withdrawn and transferred to the



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Family Court, Coimbatore. The Family Court, Tiruppur shall transmit the entire case records in H.M.O.P.No.745 of 2023 within a period of three weeks from the date of receipt of a copy of this order and the Family Court, Coimbatore shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim order already granted by this Court on 24.10.2024 shall stand vacated and C.M.P. No.23856 of 2024 is closed. There shall be no order as to costs.

08.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Family Judge,
Tiruppur.

2.The Family Court,
Coimbatore.



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DR. A.D. MARIA CLETE, J

ay/mfa

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