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Tr.C.M.P.No.1188 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.1188 of 2024

and

C.M.P.No.25946 of 2024

R.Monisha,
W/o.K.Karthikeyan,
D/o.Ravichandran,
No.17, Srinivasa Nagar, 40 Feet Road,
Aiiyan Thiruvalluvar Street,
Vinayagapuram,
Retteri, Kolathur,
Chennai – 600 099.

Residing at Old No.7, New No.13,
Nainiappan Street, Mannadi,
Chennai – 600001.

... Petitioner

Vs.

K.Karthikeyan,
S/o.R.Kumar,
Old No.36 B, New No.106, Vanigar Street,



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Big Kancheepuram,
Kancheepuram Corporation – 631 501.

... Respondent

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PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the proceedings in H.M.O.P.No.126 of 2024 on the file of Sub Court, Kanchipuram and transfer the same to Family Court, Chennai and pass such other orders and thus render justice.

For Petitioner : Mr.N.Baaskaran, Advocate.

For respondent : No appearance.

ORDER

Heard

2. This Transfer Civil Miscellaneous Petition is filed by the wife under Section 24 of the Code of Civil Procedure seeking withdrawal of H.M.O.P.No.126 of 2024 from the file of the Sub Court, Kancheepuram and transfer of the same to the Family Court, Chennai.



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3. The marriage between the petitioner-wife and the respondent-husband was

solemnised on 23.01.2023 at Kancheepuram. The respondent has instituted H.M.O.P.No.126 of 2024 at Kancheepuram seeking dissolution of marriage on the ground of cruelty. The petitioner, who is the respondent in the said H.M.O.P., now resides at Mannadi, Chennai and is employed as a private consultant drawing about Rs.12,000/- per month.

4. The petitioner states that she was subjected to dowry-related demands and cruelty by the respondent and his family members and that she has lodged a complaint before the All Women Police Station, Puzhal, resulting in registration of FIR No.9 of 2024 under Section 498-A IPC. She contends that it is difficult for her, having limited means, to travel from Chennai to Kancheepuram for every posting, to lose a day's wages and to travel alone in view of the strained relationship. She therefore seeks transfer of the H.M.O.P. to the Family Court, Chennai.

5. The question in a petition of this nature is one of balance of convenience.

The Supreme Court has repeatedly held that in matrimonial proceedings instituted



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by the husband, the convenience of the wife is to be given primacy while deciding

transfer petitions, having regard to the difficulty they face in litigating far away from their place of residence.

6. In the present case, requiring petitioner/wife to repeatedly travel to Kancheepuram to defend a suit filed by the husband would impose disproportionate financial, physical and emotional burden on her, and may practically impede her ability to contest the proceedings. No specific prejudice has been shown by the respondent if he is required to attend the Family Court at Chennai. In these circumstances, this Court is inclined to allow this petition.

7. Accordingly, Tr.C.M.P.No.1188 of 2024 is allowed. H.M.O.P.No.126 of 2024 on the file of the Sub Court, Kancheepuram is withdrawn and transferred to the file of the Family Court, Chennai. The learned Subordinate Judge, Kancheepuram, is directed to transmit the entire records in H.M.O.P.No.126 of 2024 to the Family Court, Chennai, within a period of three (3) weeks from the date of receipt of a copy of this order and the Family Court, Chennai shall dispose of the matter in



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accordance with law, as expeditiously as possible, uninfluenced by any

observations made in this order. Interim stay granted by this Court on 19.11.2024

shall stand vacated and C.M.P.No.25946 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

To

1.The Sub Court,
Kanchipuram.

2.The Family Court,
Chennai.

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DR. A.D. MARIA CLETE, J

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