



Tr.C.M.P.No.1141 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.1141 of 2023

and

C.M.P.No.27487 of 2023

Nivetha

... Petitioner

Vs

Thangapandian

... Respondent

PRAYER: :

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw O.P.No.93 of 2023 on the file of the Sub Court, Gobichettipalayam and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : No appearance



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4. The petitioner states that soon after the transfer, the respondent and his mother started demanding additional dowry, including cash and gold, and subjected her to physical and mental cruelty. She alleges that on 19.03.2023, she was driven out of the matrimonial home, and on 02.04.2023, the respondent along with others came to her parental house, abused her, and damaged household articles, resulting in a complaint before the All Women Police Station, Thudiyalur, which was assigned CSR No.378 of 2023. She has since been residing at Coimbatore with her parents.

5. While so, the respondent filed H.M.O.P.No.93 of 2023 before the Sub Court, Gobichettipalayam, seeking restitution of conjugal rights. The petitioner asserts that she is residing in Coimbatore permanently, that she has no support to accompany her to Gobichettipalayam, and that the distance nearly 90 kilometres, coupled with the earlier incidents and her apprehension for personal safety, renders it extremely difficult for her to contest the proceedings at Gobichettipalayam. The typed-set contains her address proof and the CSR receipt, supporting her averments.



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6. In matrimonial matters, the Supreme Court has repeatedly held that the convenience of the wife is an important consideration, while deciding transfer petitions.

7. Applying these principles, this Court finds that the petitioner has demonstrated genuine hardship in conducting the proceedings at Gobichettipalayam. She resides in Coimbatore with no assistance to travel. The respondent has not put forth any material showing hardship on his part. Considering the distance, the nature of allegations, the CSR complaint, and the fact that the respondent has chosen not to appear despite repeated service attempts, this Court is of the view that the ends of justice would be met by transferring the proceedings to the Family Court, Coimbatore.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.93 of 2023 on the file of the Sub Court, Gobichettipalayam, is withdrawn and transferred to the file of the Family Court, Coimbatore, for disposal in accordance with law. The Sub Court, Gobichettipalayam, shall transmit the entire records to the Family Court, Coimbatore, within four weeks from the date of receipt of a copy of this order.



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9. In view of the above, C.M.P.No.27487 of 2023 is closed. No costs

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Subordinate Judge,
Sub Court,
Gobichettipalayam.

2.The Judge,
Family Court,
Coimbatore.



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DR. A.D. MARIA CLETE, J

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Tr.C.M.P. No. 1141 of 2023

Dated: 05.12.2025