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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.1312 of 2025

and

C.M.P.No.30002 of 2025

Mrs.Farhath Jabeen, F/A – 49 years,
W/o.Mohammed Nazeer,
No.4, Sadagopan Nagar,
Old Perungalathur, Chennai 600063.

... Petitioner

Vs

Mr.Mohammed Nazeer, M/A-years,
S/o.Rahman,
Jani Jhan Khan Road,
Rayapettah, Chennai 600014.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in M.C.No.379 of 2007 and O.S.No.124 of 2007 together to be transferred and heard on the file of the II Additional Family Judge, Chennai to Sub Court at Tambaram, Chengalpattu District, to be tried on merits and thus render justice.

For Petitioner : Mr.G.Ravi Shankar, Advocate.



ORDER

WEB COPY Heard.

2. This Transfer Petition is filed by the petitioner / divorced wife seeking transfer of O.S. No. 124 of 2007 and M.C.No. 379 of 2007 from the file of the II Additional Family Court, Chennai to the Subordinate Court, Tambaram, Chengalpet District.

3. The sole ground urged in the affidavit is that the petitioner is residing along with her children and parents at Perungalathur and, therefore, if the cases are transferred to Tambaram, it would be nearer to her place of residence than Chennai and hence more convenient for her to prosecute the proceedings.

4. At the outset, this Court finds that the above contention, though appearing plausible at first glance, does not stand judicial scrutiny. It is an admitted fact that the petitioner herself instituted both the proceedings before the Family Court at Chennai in the year 2007. For nearly 18 years, she has been contesting the matter before the said court without any demur. No explanation worth acceptance has



been given as to why this petition is filed after such an inordinate delay. The stage of the proceedings is also not disclosed in the transfer petition. However, having regard to the long pendency, this Court can reasonably presume that the matters have reached an advanced stage.

5. Further, the relief sought by the petitioner suffers from a fundamental legal infirmity. One of the matters sought to be transferred is a petition under Section 125 of the Code of Criminal Procedure. The Subordinate Court, Tambaram has no jurisdiction to entertain a petition under Section 125 Cr.P.C. Such petitions are triable only by the Judicial Magistrate where Family Courts are not constituted, and by the Family Court where the same exists. Therefore, the prayer to transfer the maintenance case to the Subordinate Court is legally misconceived and untenable.

6. The petitioner has also sought transfer of the civil suit O.S.No.124 of 2007 relating to an immovable property situated at Perungalathur, Chengalpattu District. It appears that Tambaram Court alone has territorial and pecuniary



jurisdiction. It is not known how the suit entertained by the Family Court at Chennai. Section 7 of the Family Courts Act, 1984 does not confers jurisdiction upon the Family Court over suits and proceedings relating to immovable property situate outside of its territorial Jurisdiction.

7. Most importantly, while seeking transfer of both proceedings to the Subordinate Court, the petitioner has overlooked the legal position that the Subordinate Court cannot try the maintenance case. If at all the petitioner was serious about having both matters tried by one forum for convenience, the only lawful option would have been to seek transfer to another Family Court having jurisdiction, such as the Family Court at Chengalpattu. The prayer now made discloses a lack of application of mind to the statutory scheme governing jurisdiction.

8. The plea of convenience also does not inspire confidence. Having contested the matter at Chennai for nearly two decades, the petitioner cannot, at this late stage, invoke hardship as a ground for transfer. Mere convenience,



particularly after such prolonged acquiescence, cannot override settled procedural discipline, especially when no prejudice is shown.

9. Transfer of proceedings is an extraordinary relief and cannot be granted as a matter of course. The petitioner has failed to establish any compelling circumstance warranting transfer after 18 years.

10. For all the foregoing reasons, this Court holds that the Transfer Petition is devoid of merit. Accordingly, the Transfer Petition stands dismissed. Consequently, connected C.M.P.No.30002 of 2025 is also dismissed. No order as to costs.

08.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



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To

1.The II Additional Family Judge,
Chennai.

2.The Subordinate Judge,
Sub Court,
Tambaram,



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DR. A.D. MARIA CLETE, J

mfa/ay

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