



Tr.C.M.P.No.1354 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.1354 of 2024

and

C.M.P.Nos.29215 & 29216 of 2024

Hemalatha
W/o.Vijayan,
D/o.Subramani
No.88, Karuvi Main Road,
Sirkali Taluk,
Mayiladathurai District.
Petitioner

...

Vs.

Vijayan
S/o.Pakkirasamy,
No.5/92, Asesham Village,
Manargudi Taluk,
Tiruvarur District.

... Respondent

PRAYER in Tr.C.M.P.No.1354 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to pass an order to withdraw H.M.O.P.No.46 of 2022 pending on Family Court, Mannargudi and transfer the same to the Principal Sub Court, Mayiladuthurai and thus render justice.



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PRAYER in C.M.P.No.29215 of 2024

Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay all further proceedings of H.M.O.P.No.46 of 2022 pending on Family Court, Mannargudi, pending disposal of the above transfer petition.

PRAYER in C.M.P.No.29216 of 2024

Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to dispense with the personal appearance of the petitioner in H.M.O.P.No.46 of 2022 pending on Family Court, Mannargudi, pending disposal of the above transfer petition.

For Petitioner : Mr.R.Shivakumar

For respondent : Not served/No appearance

O R D E R

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by wife under Section 24 of the Code of Civil Procedure seeking withdrawal of H.M.O.P. No.46 of 2022 from the file of the Family Court, Mannargudi, and transfer of the same to the Principal Sub Court, Mayiladuthurai.

3. The marriage between the petitioner and the respondent was solemnised on 30.08.2018, and two minor children—a daughter aged about five



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years and a son aged about two years—were born out of the wedlock. The petitioner states that she was subjected to sustained harassment by the respondent and his family, compelling her to return to her parental home at Mayiladuthurai, where she resides along with the two children.

4. The petitioner has no independent income and asserts that it is extremely difficult for her to travel nearly 100 kilometres to Mannargudi with two very young children to attend proceedings. The respondent, on the other hand, is gainfully employed and faces no similar hardship if the proceedings are transferred.

5. In matrimonial matters, it is well established that the convenience of the wife and minor children is the primary consideration while deciding transfer petitions. Courts consistently hold that a mother with young children should not be compelled to undertake long-distance travel to defend matrimonial litigation, especially when she is financially dependent and solely responsible for child care.

6. In the present case, the petitioner is residing permanently at Mayiladuthurai with two infants who require constant care. The balance of convenience overwhelmingly lies in favour of the petitioner. No prejudice will be caused to the respondent if the matter is tried at Mayiladuthurai. This Court finds merit in the transfer request.



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7. Accordingly, Tr.C.M.P. No.1354 of 2024 is allowed. H.M.O.P. No.46

of 2022, on the file of the Family Court, Mannargudi, is withdrawn and transferred to the file of the Principal Sub Court, Mayiladuthurai. The Family Court, Mannargudi, shall transmit the entire records in H.M.O.P.No.46 of 2022 to the Principal Sub Court, Mayiladuthurai, within three (3) weeks from the date of receipt of a copy of this order. The Principal Sub Court, Mayiladuthurai, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this Court on 19.12.2024 shall stand vacated, and C.M.P. No.29215 of 2024 is closed. There shall be no order as to costs. Consequently, the connected CMP No.29216 of 2024 is also closed.

10.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

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1.The Family Court,
Mannargudi.

2.The Principal Sub Court,
Mayiladuthurai.



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DR. A.D. MARIA CLETE, J

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and
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