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Tr.C.M.P.No.1370 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.1370 of 2024

and

C.M.P.No.29722 of 2024

Radhika, F/38,
D/o.Sambuvannian,
D.No.29C, N.K.Thottam,
Aanaikkalpalayam,
Kasthuripatti,
Sankari,
Salem District.

... Petitioner

Vs.

Prem Alwin, M/41,
S/o.Sivaraman,
Rep., by his Power Agent,
Sivaraman,
28, Ratchagar Nagar,
Semmandalam,
Cuddalore, Cuddalore District.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the case in H.M.O.P.No.53 of 2021 from the file of the learned Family court, Cuddalore, Cuddalore District to the Subordinate Court, Sankari, Salem District and pass such further or other



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orders as this court may deem fit and proper in circumstances of the case and thus render justice.

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For Petitioner : Mr.R.Hemalatha.

For respondent : No appearance

O R D E R

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. 53 of 2021 from the file of the Family Court, Cuddalore and transfer of the same to the Sub Court, Sankari, Salem District, where the petitioner–wife resides.

3. The marriage between the petitioner and the respondent was solemnised on 05.09.2016 at Cuddalore and has been duly registered. Parties thereafter lived together in the United States of America. Matrimonial discord arose and the respondent–husband has instituted H.M.O.P. No. 53 of 2021 before the Family Court, Cuddalore seeking dissolution of marriage under Section 13(1)(ia) and (ib) of the Hindu Marriage Act.



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4. The petitioner states that at the insistence of the respondent she resigned her employment, moved abroad, and is now unemployed and residing with her aged parents at Sankari, Salem District. She further alleges dowry demands, non-return of her stridhan and mental cruelty. She asserts that the distance between Sankari and Cuddalore is more than 300 kilometres, that she lacks independent income to undertake repeated travel and that she apprehends she will not be able to effectively contest the proceedings at Cuddalore.

5. In transfer of matrimonial proceedings, Courts have therefore consistently accorded primacy to the convenience of the wife, unless the husband demonstrates grave prejudice. In the present case, the respondent has not placed any material to show that trial at Sankari would cause him irreparable prejudice. On the other hand, the petitioner has specifically pleaded her unemployment, dependence on aged parents and the onerous distance between her residence and the existing forum. Compelling her to contest a divorce petition at a far-off place would, in effect, make meaningful participation in the proceedings difficult and thereby compromise her right to a fair hearing. This Court is of the considered view that the ends of justice would be better



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served by transferring the proceedings to the Court having jurisdiction over the wife's present residence.

6. Accordingly, Tr.C.M.P. No. 1370 of 2024 is allowed. H.M.O.P. No. 53 of 2021 on the file of the Family Court, Cuddalore is withdrawn and transferred to the file of the Sub Court, Sankari, Salem District. The Family Court, Cuddalore shall transmit the entire records in H.M.O.P. No. 53 of 2021 to the Sub Court, Sankari, within a period of three weeks from the date of receipt of a copy of this order. The Sub Court, Sankari, Salem District 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 03.01.2025 shall stand vacated and C.M.P. No.29722 of 2024 is closed. There shall be no order as to costs.

08.12.2025

ay/mfa

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



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To
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1.The Family Court,
Cuddalore.

2.The Subordinate Court,
Sankari,
Salem District.



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DR. A.D. MARIA CLETE, J

ay/mfa

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Dated: 08.12.2025