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TR CMP No. 22 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE Mrs.JUSTICE R. KALAIMATHI

TR CMP No.22 of 2026

AND

CMP No.740 of 2026

V.Nandhini

.. Petitioner(s)

Vs

D.Sathyanarayanan @ Manikandan

.. Respondent(s)

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to grant an order withdrawing HMOP.No.73 of 2025 pending on the file of the Hon'ble Principal Sub Judge at Tindivanam and transfer the same to the Hon'ble Sub Court, Maduranthakam which is suitable and having jurisdiction to try the case.

For Petitioner(s): Mr.G.Sathya Narayanan

For Respondent(s): No appearance

ORDER

Heard the learned counsel for the petitioner/wife.

2.The respondent was served with the Court notice on 24.02.2026 and the private notice on 27.01.2026.



3.Despite service of notice, the respondent neither appeared nor entered appearance through counsel.

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4.The petitioner/wife would aver that she has two male children aged about 5 years and 1½ years and they are residing with her parents at Maduranthakam. Given their tender ages, she finds it difficult to travel to Tindivanam for the court proceedings. She would also further aver that she is fully dependant upon her parents for her livelihood. Under such circumstances, she has filed this Transfer Civil Miscellaneous Petition seeking to transfer the H.M.O.P.No.73 of 2025 filed by the respondent/husband which is pending on the file of Principal Sub Court, Tindivanam to the file of Sub Court, Maduranthakam.

5.The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled by the Hon'ble Supreme Court in the following cases:-

“i. In *AIR 2000 SC 3512 (1) (Mona Aresh Goel vs. Aresh Satya Goel)*, when the wife pleaded that she was unable to bear the traveling expenses and even to travel alone and stay at Bombay, the Supreme Court ordered transfer of proceedings.

ii. In *2000 (10) SCC 304 (Geeta Heera Vs. Harish Chander Heera)*, the Hon'ble Supreme Court has held that where the petitioner's wife has pleaded lack of money, the same has to be considered.



iii. In (2009) 9 SCC 355 (*Lalita A. Ranga Vs. Ajay Champalal Ranja*), wherein the wife, who was having small child and she was finding it difficult to travel from Jaipur to Bombay, and the Hon'ble Apex Court accepting her request ordered the transfer petition in favour of the wife transferring the transfer petition from Family Court at Bandra in Mumbai to the Family Court at Jaipur.”

6. On perusal of the petition filed in H.M.O.P.No.73 of 2025, it appears that the petitioner/wife is the resident of Maduranthakam and the respondent/husband is the resident of Tindivanam.

7. In consideration of the above said details, the request of the petitioner/wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.MO.P.No.73 of 2025 is ordered to be withdrawn from the file of the Principal Sub Court, Tindivanam and transferred to the file of the Sub Court, Maduranthakam. The learned Sub Judge, Maduranthakam, on receipt of the records, shall take effective steps to dispose of the matter in accordance with law at the earliest. No Costs. Connected C.M.P. is closed.

01-04-2026

Index: Yes/No
Neutral Citation: Yes/No
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R.KALAIMATHI, J.

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To

1.The Sub Judge
Tindivanam

2.The Sub Judge
Maduranthakam

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