



WEB COPY

TR CMP No. 64 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 64 of 2025

and

CMP No. 1371 of 2025

A.Kiruthika

..Petitioner

Vs

R.Dhayanandhan

..Respondent

Prayer in TR CMP No. 64 of 2025: Petition filed under section 24 of CPC to Withdraw the petition in I DOP No.3909/2024 pending in the file of the Family Court, Chennai and transfer the same to the Family Court, Pondichery.

Prayer in CMP No. 1371 of 2025: Petition to stay the proceedings of IDOP No.3909/2024 pending in the file of the Family Court, Chennai until the disposal of this transfer petition.

For Petitioner:

Ms.R.Srinithi

For Respondent:

Ms.Kavya Silambarasan,

for M/s. Kavya Silambanan Associates

**ORDER**

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Heard.

2. This Transfer Civil Miscellaneous Petition is to withdraw I.D.O.P. No.3909 of 2024 pending on the file of the III Additional Family Court, Chennai and to transfer the same to the file of the Family Court, Puducherry, and the connected miscellaneous petition is filed seeking interim stay.

3. The petitioner is the wife and the respondent is the husband. The marriage between the parties was solemnized on 14.04.2023 at Chennai as per Christian rites and customs and the marriage was also registered. It is stated that there are no children through the wedlock.

4. The respondent/husband has instituted I.D.O.P. No.3909 of 2024 before the III Additional Family Court, Chennai, seeking restitution of conjugal rights under Section 32 of the Indian Divorce Act, 1869.

5. The case of the petitioner/wife is that she is residing at Puducherry, she is employed as an Upper Division Clerk (UDC) in the Government of Puducherry, and because of her service conditions and professional commitments, repeated travel to Chennai for every hearing would cause



hardship and affect her employment.

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6. The learned counsel for the petitioner submitted that the petitioner is willing for reunion, and therefore, effective participation in the proceedings including counselling/mediation would be possible if the case is heard at Puducherry, which is nearer to her residence and workplace. It is also submitted that no prejudice would be caused to the respondent, as he can effectively contest the matter before the transferee Court.

7. This Court has considered the above submissions. In matrimonial matters, the convenience of the wife and the comparative hardship in attending the proceedings are relevant considerations. When the wife pleads genuine difficulty on account of residence and employment, and seeks transfer to a competent Family Court having jurisdiction, the request ordinarily deserves acceptance, unless strong reasons exist to decline.

8. In the present case, the petitioner is residing at Puducherry and is stated to be working as UDC Clerk in the Government of Puducherry. The transfer sought is from Chennai to Puducherry, which would facilitate her effective participation in the proceedings. This Court is, therefore, satisfied that the Transfer Civil Miscellaneous Petition has to be allowed.



9. Accordingly, Tr.C.M.P. No.64 of 2025 is allowed. I.D.O.P. No.3909 of 2024 on the file of the III Additional Family Court, Chennai, is withdrawn and transferred to the file of the Family Court, Puducherry. The III Additional Family Court, Chennai, shall transmit the entire records to the Family Court, Puducherry, within three (3) weeks from the date of receipt of this order and the Family Court, Puducherry shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. C.M.P. No.1371 of 2025 is closed. There shall be no order as to costs.

05-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHL

To:

1. The Family Court , Chennai
2. The Family Court , Pondichery



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DR.A.D.MARIA CLETE J.

SHL

**TR CMP No. 64 of 2025
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