



WEB COPY

TR CMP No. 68 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 68 of 2026

AND

CMP NO. 1680 OF 2026

Pallavi

..Petitioner

Vs

Manikandan

..Respondent

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C. to withdraw the M.O.P.No.767 of 2025 on the file of Family Court at Pondicherry and transfer same the appeal to the file of Subordinate Court at Chengalpattu or any other court for disposal .

For Petitioner(s) : Mr.M.Mahendran

For Respondent(s) : No Appearance

ORDER

Heard the learned counsel for the petitioner.

2. Despite the receipt of notice, the respondent's name having been printed in the cause list, respondent neither appeared nor entered appearance through his counsel.



3. The petitioner, who is the respondent / wife in M.O.P.No.767 of 2025 on the file of the Family Court, Pondicherry which is filed for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955, has filed this Transfer Civil Miscellaneous Petition seeking to transfer the said M.O.P. to the Subordinate Court, Chengalpet by stating that she is not in a position to travel from Mamallapuram to Pondicherry.

4. Reiterating the said contention, the learned counsel for the petitioner would further add that she is living in her parents' home at Mamallapuram, her parents are aged, and she finds it difficult to travel from Chengalpattu to Puducherry for all the hearing dates.

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 Lalita A. Ranga Vs. Ajay Champalal Ranja reported in (2009) 9 SCC 355 , 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 petition filed in M.O.P.No.767 of 2025, it appears that petitioner/husband is the resident of Murungapakkam, Pondicherry and the respondent/wife is resident of Mamallapuram, Chengalpet District.

7. In consideration of the above said details, the request of the petitioner herein / wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, M.O.P.No.767 of 2025 pending on the file of the Family Court, Pondicherry is withdrawn and transferred to the file of the Subordinate Court, Chengalpet. The Subordinate Court, Chengalpet on receipt of the records to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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R.KALAIMATHI J.

KKD

1. The Family Court, Pondicherry.
2. The Subordinate Court, Chengalpet.

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