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TR CMP No. 34 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 34 of 2025

AND

CMP NO. 779 OF 2025

Kanmani

..Petitioner(s)

Vs.

Devendran

..Respondent(s)

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 151 of C.P.C. to withdraw the M.O.P No.321 of 2024 pending on the file of the Family Court, Puducherry and transfer the same to the Sub Court, Chidambaram at Cuddalore to be tried along with HMOP No.191 of 2024.

For Petitioner(s): K.G.Senthil Kumar

For Respondent(s): Mr. D.Senthil Kumaar

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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2. The petitioner, who is the respondent / wife in M.O.P.No.321 of 2024 on the file of the Family Court, Puducherry which is filed for divorce. The petitioner has filed Original Petition in HMOP.No.191 of 2024 before the Sub Court, Chidambaram for restitution of conjugal rights. This petition is filed to transfer M.O.P.No.321 of 2024 to Sub Court, Chidambaram to be tried along with HMOP.No.191 of 2024 by stating that she is not in a position to travel from Melbhuvanagiri, Cuddalore District .to Puducherry.

3. Reiterating the said contention, the learned counsel for the petitioner would further add that she is living in her parents' home at Melbhuvanagiri and she finds it difficult to travel from Villupuram to Panruti for all the hearing dates.

4. Per contra, the learned counsel for the respondent does not have any serious objection in ordering the Transfer Civil Miscellaneous Petition.

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



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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 H.MO.P.No.4 of 2025, it appears that petitioner/husband is the resident of Panruti, Cuddalore District and the respondent/wife is resident of Salai Agaram, Villupuram District.

7. In consideration of all the details mentioned supra, petitioner / wife request to transfer HMOP.No.321 of 2024 which is pending before the Family Court, Puducherry appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.M.O.P.No.321 of 2024 pending on the file of the Family Court, Puducherry is withdrawn and transferred to the file of the Sub Court, Chidambaram to be



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R.KALAIMATHI ,J.

KKD

tried simultaneously with HMOP.No.191 of 2024. The Sub Court, Chidambaram 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.

16-03-2026

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

To

1. The Family Court, Puducherry.
2. The Sub Court, Chidambaram, Cuddalore District.

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