



WEB COPY

TR CMP No. 105 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 105 of 2026

AND

CMP NO. 2471 OF 2026

M.Prabhakaran
S/o P.Mohan,
No 8, PNK Garden 1st Street,
Myalpore, Chennai 600 004.

..Petitioner(s)

Vs.

P.Jamunabai
W/o M.Prabhakaran,
O.No 2/1, N.2/14, Thiruvalluvar Street,
Sothuperumpedu Uratchi,
Sholavaram, Ponneri,
Thiruvallur District.

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C. to withdraw and transfer the HMOP No.98/2021 filed by the respondent herein from the file of Sub Court, Ponneri to the Vth Additional Family Court, Chennai to be tried along with HMOP No.3816/2015 and MC No.356/2018

For Petitioner : Mr.S.Sivakumar

For Respondent(s): No Appearance

ORDER

Heard the learned counsel for the petitioner (husband) .

2. The respondent (husband) in H.M.O.P.No.98 of 2021 on the file of the Sub Court, Ponneri, is the petitioner herein.



3. None represents the respondent.

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4. The petitioner /husband would urge the following grounds for transfer:-

i). He has taken out the petition in HMOP.No.3816 of 2025 and it is pending before the V Additional Family Court, Chennai.

ii) His wife has filed M.C.No.356/2018 and the same is also pending before the V Additional Family Court, Chennai.

lii) The respondent(wife) filed a petition for restitution of conjugal rights before the Sub Court, Ponneri.

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. In the given circumstances, apart from the original petition instituted by her husband, wife is also filed maintenance case which is pending before V Additional Family Court, Chennai. In order to avoid conflict of Judgment, Original Petition is to be withdrawn and take up before one Court.

7. In order to have effective justice, this Transfer Civil Miscellaneous Petition is ordered. Sequel to this, H.MO.P.No.98 of 2021 pending on the file of the Sub Court, Ponneri, is withdrawn and transferred to the file of the V Additional Family Court, Chennai to be tried simultaneously with HMOP.No.98 of 2021. The V Additional Family Court,



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R.KALAIMATHI, J.

KKD

Chennai 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.

24-04-2026

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

To

1. The Sub Court, Ponneri.
2. The Vth Additional Family Court, Chennai.

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