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Tr.C.M.P.No.41 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.41 of 2026

and

CMP No.1049 of 2026

N.Elakkiya

... Petitioner

Vs

K.Maheshwaran

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw the HMOP No.268 of 2025 pending on the file of the Subordinate Court at Devakottai and transfer the same to the file of Chennai.

PRAYER in C.M.P:

To stay all further proceedings in HMOP No.268 of 2025 pending on the file of the Subordinate Court at Devakottai.

For Petitioner : Mr.J.Suresh

For Respondent : Mr.J.Prakasam



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ORDER

1. Heard.

2. This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure seeking withdrawal of H.M.O.P.No.268 of 2025 pending on the file of the learned Subordinate Court, Devakottai, and transfer of the same to the file of the Family Court having jurisdiction at Chennai.

3.The marriage between the petitioner and the respondent was solemnized on 13.09.2008 at Madurai Meenakshi Amman Temple, Madurai as per Hindu rites and customs. The respondent-husband filed H.M.O.P.No.268 of 2025 seeking divorce before the Subordinate Court, Devakottai.

4. The petitioner is the wife. She states that she has come down to Chennai and is residing at Ashok Nagar, Chennai, and that she has been working as a Nurse-cum-Caretaker (Home Care) since 10.04.2022.



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5. It is stated that the parties have two children, aged about 16 years and 9 years; that both children are staying in a hostel at Devakottai under the care of the petitioner's mother; and that the petitioner is dependent on her earnings and the nature of her employment does not permit frequent travel.

6. The petitioner's case is that the respondent/husband has obtained loans and borrowed money from various persons and that the loan lenders have been harassing the petitioner/wife, causing hardship.

7. The respondent/husband is stated to be residing at Devakottai and the matrimonial original petition is pending there.

8. Having considered the residence and circumstances of the petitioner, her employment at Chennai since 2022, the responsibility towards the two children, and the hardship pleaded, this Court is satisfied that the transfer sought deserves to be ordered.

9. Accordingly, Tr.C.M.P.No.41 of 2026 is allowed. HMOP No.268 of 2025 on the file of the Subordinate court, Devakottai is withdrawn and



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transferred to the file of the Family Court, Chennai. The learned Subordinate Judge, Devakottai, is directed to transmit the records in H.M.O.P.No.268 of 2025 to the Family Court, Chennai, within three weeks from the date of receipt of a copy of this order and the Family Court, Chennai shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Consequently, connected C.M.P.No.1049 of 2026 is closed. There shall be no order as to costs.

18.02.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. Subordinate Court at Devakottai.
2. Family Court, Chennai



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DR. A.D. MARIA CLETE, J

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and
CMP No.1049 of 2026**

18.02.2026