



WEB COPY

TR CMP No.61 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE Mrs.JUSTICE R. KALAIMATHI

TR CMP No.61 of 2026

AND

C.M.P.Nos.1564 & 1565 of 2026

Gomathy

..Petitioner(s)

Vs.

S.Surya Prakash

..Respondent(s)

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.585 of 2025 before the Sub Court, Poonamallee and transfer the same to the file of the Family Court, Pondicherry.

For Petitioner(s) : Mr.E.Chandrasekaran

For Respondent(s): Mr.T.Surendran

ORDER

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



2.The respondent viz., D.Gomathy in H.M.O.P.No.585 of 2025 on the file of the Sub Court, Poonamallee, is the petitioner herein. The petitioner/wife would aver that she has to travel about 350 kilometers round-trip between Puducherry and Poonamallee, which takes around 4½ hours. She would also further aver that she got two girl children aged about 6 and 2 years.

3.Under these circumstances, she has filed this Transfer Civil Miscellaneous Petition seeking to transfer the H.M.O.P.No.585 of 2025 filed by the respondent/husband, which is pending on the file of the Sub Court, Poonamallee to the file of the Family Court, Puducherry.

4.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 *(2009) 9 SCC 355 (Lalita A. Ranga Vs. Ajay Champalal Ranja)*, 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.”

5.On perusal of the petition filed in H.M.O.P.No.585 of 2025, it appears that the petitioner/wife is a resident of Puducherry and the respondent/husband is a resident of Chennai.

6.In consideration of the above said details, the request of the petitioner/wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.MO.P.No.585 of 2025 is ordered to be withdrawn from the file of the Sub Court, Poonamallee and transferred to the file of the Family Court, Puducherry. The learned Judge, Family Court, Puducherry, on receipt of the records, shall take effective steps to dispose of the matter in accordance with law at the earliest. No Costs. Connected C.M.Ps. are closed.

01-04-2026

Index: Yes/No

Neutral Citation: Yes/No

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R.KALAIMATHI, J.

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To

1. The Sub Judge
Poonamallee

2. The Judge
Family Court
Puducherry

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