



WEB COPY

TR CMP No. 110 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 110 of 2026
and CMP No.2570 of 2026

S.Elakkiya
D/o. V. Sekar (Late)
W/o. C. Nagaraj

..Petitioner(s)

Vs

C.Nagaraj
S/o.K.Chandrasekaran

..Respondent(s)

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C. seeking to withdraw I.D.O.P.No.314 of 2025 on the file of Principal District and Sessions Court, Tiruvallur and to transfer the same to the V Additional Family Court at Chennai.

For Petitioner(s): Mr.S.Ram Prabhu
for M/s.R. Kannan

For Respondent(s): No Appearance

ORDER

Heard learned counsel for the petitioner.

2. The petitioner who is the respondent / wife in I.D.O.P.No.314 of 2025 on the file of Principal District and Sessions Court, Tiruvallur, has filed this Transfer Civil Miscellaneous Petition seeking to transfer the said I.D.O.P. No.314 of 2025 to the file of the V Additional Family Court at Chennai by stating that she is not in a position to travel to Tiruvallur.



3.Learned counsel for the petitioner would submit that the petitioner has been residing at Sowcarpet, Chennai, along with her mother and she has instituted O.P. under Section 32 of Indian Divorce Act, 1869, for restitution of conjugal rights before the Family Court, Chennai, in I.D.O.P.No.4404 of 2025. The matter now stands posted for filing of counter on 06.04.2026.

4.The petitioner would further aver that she has no sufficient source of income and she finds it difficult to travel from Chennai to Tiruvallur, and she has got four (4) year old child.

5.Despite the receipt of notice, the respondent neither appeared before this Court nor entered appearance through his counsel.

6.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 travelling 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.



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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."

7.The reasons mentioned in the affidavit appears to be reasonable and acceptable. Further more, there are two O.P.s pending, one instituted by the wife and another by the husband. In order to avoid conflict of the matters, this Court deems it fit to try both the matters together by one Court. For these reasons, this Court is inclined to allow this petition.

8.This Transfer Civil Miscellaneous Petition stands ordered accordingly. Sequel to this, I.D.O.P.No.314 of 2025 pending on the file of the Principal District and Sessions Court, Tiruvallur is withdrawn and transferred to the file of the V Additional Family Court, Chennai. The V Additional Family Court, Chennai, on receipt of the records is hereby directed to try and dispose of the matters (I.D.O.P.No.4404 of 2025 on the file of V Additional Family Court, Chennai) in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

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

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R.KALAIMATHI, J.

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1.The Principal District and Sessions Court
Tiruvallur

2.V Additional Family Court
Chennai

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