



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 120 of 2026

and

C.M.P.No.2770 of 2026

D.Jeeva
W/o.Devaraj
No.55, Kannappa Pillaiyar Koil Street,
Thimmaiyanpettai,
Walajapath,
Kancheepuram-631 601.

..Petitioner(s)

Vs.

M.Devaraj,
S/o.Mani,
No.18/22, Alagiri Nagar 5th Cross Street,
Vadapalani Murugan Temple back side,
Vadapalani,
Chennai-600 026.

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, 1908, to withdraw the H.M.O.P.No.4696 of 2025 on the file of III Additional Family Court, Chennai and transfer the same to Principal Sub Court at Kancheepuram.

For Petitioner(s): Mr.D.Karthikeyan

For Respondent(s): Mr.R.Thangamani



ORDER

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Heard the learned counsel for the petitioner (wife) and the learned counsel for the respondent (husband) and perused the materials available on record.

2. The respondent / wife in H.M.O.P.No.4696 of 2025 on the file of the Additional Family Court, Chennai, is the petitioner herein. The said H.M.O.P. has been filed for dissolution of marriage on the ground of cruelty under Section 13(1)(i-a) of the Hindu Marriage Act, 1955.

3. The petitioner would aver that she is residing at Walajapath along with her parents, and she has a minor daughter aged about 8 years, who is studying in 3rd Standard in the Government School, Thimmaiyanpettai; she finds it difficult to travel to Chennai from Walajapath for all the Court hearings, as she has to cover a distance of approximately 160 kilometers.

4. The learned counsel for the petitioner would reiterate the grounds set out in the petition and seeks transfer of the aforesaid O.P. to the Principal Sub Court at Kancheepuram.



5. The learned counsel for the respondent does not have any serious objection in ordering the Transfer Civil Miscellaneous Petition.

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 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.”



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7. In consideration of the above said details, the request of the petitioner herein / wife appears to be based on justifiable cause and accordingly, this **Transfer Civil Miscellaneous Petition is allowed**. As a sequel to this, H.MO.P.No.4696 of 2025 pending on the file of the III Additional Family Court, Chennai, is withdrawn and transferred to the file of the Principal Sub Court, Kancheepuram. The learned Principal Sub Judge, Kancheepuram, on receipt of the records, shall take all effective steps to try and dispose of the matter 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

To

1. The III Additional Family Judge, Chennai.
2. The Principal Sub Judge, Kancheepuram.



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R.KALAIMATHI, J.

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