



WEB COPY

TR CMP No. 123 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No.123 of 2026
and CMP No.2937 of 2026

Divya
D/o Loganathan,

..Petitioner(s)

Vs

Balakumar
S/o. Arunachallam

..Respondent(s)

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw HMOP.No.100 of 2025 on the file of the Court of Subordinate Judge, Thuraiyur and to transfer the same to the file of Judicial Magistrate Court, Paramathy to be heard and decided on merits along with MC.No.20 of 2025 and DVC.No.21 of 2025 on the file of Judicial Magistrate Court, Paramathy.

For Petitioner(s): Mr.G.K.Premkumar

For Respondent(s): No Appearance

ORDER

Heard learned counsel for the petitioner (wife).

2.The respondent (wife) in HMOP No.100 of 2025 on the file of Sub Court, Thuraiyur is the petitioner herein.



3.The petitioner (wife) would aver that she is living with her nine (9) year old son at Pandamangalam, within the jurisdiction of Paramathy Magistrate Court. She would further aver that she finds it difficult to commute to Thuraiyur from Paramathy for all the Court hearings. She would further aver that besides the aforesaid H.M.O.P.No.100 of 2025, she has also filed Maintenance Case (M.C.No.20 of 2025) and Domestic Violence Case (DVC No.21 of 2025) before the Judicial Magistrate Court, Paramathy and the same are pending.

4.Learned counsel for the petitioner would reiterate the grounds set out in the Transfer CMP and seeks to transfer the aforesaid H.M.O.P.No.100 of 2025 to the Sub Court, Paramathy (which has been mentioned as Judicial Magistrate Court, Paramathy).

5.Despite the receipt of notice and the name having been printed in the cause list, the respondent neither appeared nor appeared 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.

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 learned counsel for the petitioner (wife) stated that instead of Sub Court, Paramathy, it has been mistakenly mentioned as Judicial Magistrate Court, Paramathy. Hence, it is suo motu amended as Sub Court, Paramathy in the place of Judicial Magistrate Court, Paramathy.

8.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 ordered. Sequel to this, H.M.O.P.No.100 of 2025 pending on the file of the Subordinate Court, Thuraiyur is withdrawn and transferred to the file of the Sub Court at Paramathy. The learned Judge of Sub Court, Paramathy, on receipt of the records to try and dispose of the matter in accordance with law at the earliest.



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R.KALAIMATHI, J.

kas / mac

No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

kas / mac

Note: Registry to effect the amendment accordingly in the grounds of appeal in the place of Judicial Magistrate (to strike out the words Judicial Magistrate Court and amend as Sub Court in the prayer column.

To.

1.The Sub Court
Thuraiyur

2.Judicial Magistrate Court
Paramathy

3.The Sub Court
Paramathy

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