



WEB COPY

TR CMP No. 137 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 137 of 2026

and

C.M.P.No.3900 of 2026

S.Pavithra, 31 years,
Daughter of Mr.Selvam,
Door No.100, Southern Forest,
Seliyampatti Puthur, Seliyampatti Post,
Salem District.

..Petitioner(s)

Vs.

S.Muthusamy, 42 years,
Son of Sundharam,
Mubin Thottam, Pallipadai,
Vandigate, Chidambaram Taluk,
Cuddalore District.

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.92 of 2025 on the file of the learned Subordinate Court at Attur, Salem and transfer the same to the learned Principal Family Court at Coimbatore.

For Petitioner(s): M/s.J.Johnsy Greeta

For Respondent(s): Mr.J.P.Rajesh

**ORDER**

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.92 of 2025 on the file of the Subordinate Court, Attur, Salem, 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(a), 1(b) of the Hindu Marriage Act, 1955.

3. The petitioner would aver that she was cleared Group 2 A examination and she was placed as an Officer in the Transport Department, Coimbatore; On 10.12.2025, she was transferred and posted as Deputy State Tax Officer, (GST Inspector), Office of the Deputy Commissioner (ST) Zone-1, Coimbatore. She would further aver that she is residing at Salem along with her parents, and she has a minor daughter aged about 8 years, who is studying in 3rd Standard at Salem; she finds it difficult to travel to Attur from Coimbatore for all the Court hearings.

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 Family Court, Coimbatore.



5. The learned counsel for the respondent would strenuously contend that, if the matter is transferred to Coimbatore, it would cause hardship to the respondent, who is carrying on business at Chidambaram, as he would have to travel a long distance to attend the Court hearings.

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.”



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.92 of 2025 pending on the file of the Subordinate Court at Attur, Salem is withdrawn and transferred to the file of the Principal Family Court, Coimbatore. The learned Principal Family Judge, Coimbatore, 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.

16-04-2026

nvi

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Subordinate Judge, Attur, Salem.
2. The Principal Family Judge, Coimbatore.



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R.KALAIMATHI, J.

nvi

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