



WEB COPY

TR CMP No. 173 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 173 of 2026

and

C.M.P.No.5449 of 2026

DivyaReka,
D/o.Nalla Sivam,
W/o.S.Gowtham,
No.83, EB Road,
Sennasamuthiram
Village, Salaipudhur Post,
Kodumudi Taluk,
Erode District.

Presently residing at
C-4 Tower, 14th Floor,
No.3, TNHB Quarters
Todhunter Nagar
Saidapet, Chennai-600 015.

..Petitioner(s)

Vs.

S.Gowtham,
S/o.Subhramani,
D5 Karuda Illam, 4th Floor,
Nanjanapuram Road,
Tindal,
Erode District-600 009.

..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.30 of 2025, on the file of Sub Court, Kodumudi at Erode and to transfer the same to the file of Family Court at Chennai.

For Petitioner(s):

Mr.L.Arulmozhivarman

For Respondent(s):

No appearance

**ORDER**

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

2. The respondent/ wife in H.M.O.P.No.30 of 2025 on the file of the Sub Court at Kodumudi, Erode, 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, 1956.

3. Despite the receipt of notice, the respondent name having been printed in the cause list, the respondent neither appeared nor entered appearance through his counsel.

4. The petitioner would aver that she is presently employed in the Police Department in the Office of the Commissioner of Police, Greater Chennai Police, Chennai, as Special Branch Assistant (Intelligence Section). She would further aver that she is residing in Chennai with her minor daughter aged about 1 1/2 years. The petitioner has also averred that she finds it extremely difficult to travel from Chennai to Kodumudi for all the Court hearing, as she has to cover a distance of approximately 800 kilometers for both onward and return journeys, in addition to incurring substantial expenses towards travel and



accommodation.

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5. 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 Family Court, Chennai.

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



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*in favour of the wife transferring the transfer petition
from Family Court at Bandra in Mumbai to the Family
Court at Jaipur.”*

7. On perusal of the Identity Card, and the allotment order (Quarters) issued by the Tamil Nadu Housing Board, it appears that the petitioner has been residing at TNGRHS Apartment No.C4-14F/3 at Todhunter Nagar (1387) at Saidapet, Chennai.

8. 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.30 of 2025 pending on the file of the Sub Court, Kodumudi, is withdrawn and transferred to the file of the learned III Additional Principal Judge, Family Court, Chennai. The learned III Additional Principal Judge, Chennai, 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.

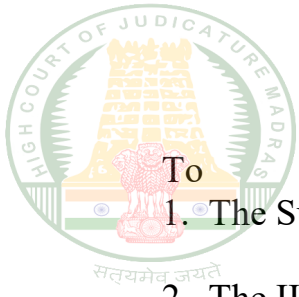
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

1. The Sub Court, Kodumudi.

2. The III Additional Principal Judge, Family Court, Chennai.

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R.KALAIMATHI, J.

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