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Tr.C.M.P.No.152 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2026

CORAM

THE HON'BLE Mrs.JUSTICE R.KALAIMATHI

Tr.C.M.P.No.152 of 2026

and

C.M.P.No.5192 of 2026

P.Gnanasowndariya

... Petitioner

Vs

S.Prabhu

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.31 of 2025 on the file of the Subordinate Court, Palladam and transfer the same to the Sub-Court, Gobichettipalayam.

For Petitioner

: Mr.P.Satheesh Kumar

For Respondent

: Mr.A.Rajesh Kanna

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The respondent(wife) in H.M.O.P.No.31 of 2025 on the file of Subordinate Court, Palladam, Tiruppur District is the petitioner herein.



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3. Petitioner/wife would aver that she has been living with her mother, has a daughter who is aged about 5 years and she finds it difficult to travel from Gobichettipalayam to Palladam for about 75 Kms., up and down 150 Kms., for all the Court hearing dates.

4. The learned counsel for the petitioner would reiterate the grounds set out in the petition and sought for transfer of the aforesaid H.M.O.P.No.31 of 2025 from Sub-Court, Palladam to Sub-Court, Gobichettipalayam.

5. The learned counsel for the respondent (Husband) would strenuously contend that due to the matrimonial proceedings already he lost his job as driver in ABT Maruthi Service and now working as call taxi driver. He would also further state that the petitioner instituted Domestic Violence Case in D.V.C.No.8 of 2022 on the file of the learned Judicial Magistrate No.2, Gobichettipalayam and it was withdrawn at later point of time. It is further contended that the respondent apprehends that if the case is transferred to Sub-Court, Gobichettipalayam, he will face life threat from the petitioner and her relatives.



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6. From the case records it appears that petitioner(wife) is resident of Gobichettipalayam and the respondent(husband)has been residing at Palladam, Tiruppur District.

7. It appears that it is the apprehension of the respondent(husband) that he may face life threat from the petitioner's family members. That cannot taken as a ground for dismissal of this Transfer Civil Miscellaneous Petition.

8. 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.



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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."

9. 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. Sequel to this, H.M.O.P.No.31 of 2025 pending on the file of the Subordinate Court, Palladam is withdrawn and transferred to the file of the Subordinate Court, Gobichettipalayam, The learned Judge of the Subordinate Court, Gobichettipalayam, on receipt of the records shall take all effective steps to dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

09.04.2026

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

1. The Subordinate Court, Palladam.
2. The Subordinate Court, Gobichettipalayam.
3. The Section Officer,
V.R.Section, High Court,
Madras.



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R.KALAIMATHI, J.,

ssn

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