



WEB COPY

TR CMP No. 222 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 222 of 2026

AND

CMP NO. 7274 OF 2026

Sasirekha
W/o Mohan Kumar,
100, F2, First Floor,
4th Main Road Krishna Nagar,
Perumbakkam,
Chengalpattu 600 100

..Petitioner(s)

Vs.

Mohan Kumar
S/o Palaniappan,
Door No.17/15,
Pillayar Koil Street,
Sunnai Karadu Road,
Mallur Village and Post,
Salem District 636 203.

..Respondent(s)

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw HMOP.No.151 of 2025 pending on the file of the Sub Court, Rasipuram, and transfer the same to the file of Family Court, Chengalpattu District.

For Petitioner : Mr.R.Venkatyraman

For Respondent(s) : Mr.S.Arjun

ORDER

Heard the learned counsel for the petitioner (wife) and the learned counsel for the respondent(husband)



2. The respondent (wife) in H.M.O.P.No.151 of 2025 on the file of the Sub Court, Rasipuram, is the petitioner herein.

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3. The respondent (husband) filed for restitution of conjugal rights on the ground of cruelty and dissolution of marriage under Section 13(1)(i-a)&13(1)(i-b) of Hindu Marriage Act, 1955.

4. The petitioner / wife would urge the following grounds for transfer :-

i). She is residing at Chengalpattu along with her children was studying in school nearby Perumbakkam at Chengalpattu. In the year 2023, after Covid-19 Pandemic situation, both are shifted to Chengalpattu. On 22.07.2024, the respondent left from home without any intimation to her. Thereafter, the respondent filed HMOP.No.151 of 2025 before the Sub Court, Rasipuram for dissolution of marriage.

ii). She finds it difficult to travel to Rasipuram, Salem from Perumbakkam, Chengalpattu for every hearing, since travelling time is more and distance between Chengalpattu and Rasipuram is around 350 kms.

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 at Chengalpattu.



6. Per contra, the learned counsel for the respondent would vehemently contend that he has to travel from Rasipuram to Chengalpattu, which would cause him considerable inconvenience and therefore seeks dismissal of the Transfer Civil Miscellaneous Petition

7. 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."



WEB COPY 8. The petitioner is the resident of Perumballam at Chenagalpattu and the respondent is the resident of Mallur Village at Salem.

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.MO.P.No.151 of 2026 pending on the file of the Sub Court, Rasipuram is withdrawn and transferred to the file of the Family Court, Chengalpattu. The learned Judge, Family Court, Chengalpattu, 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.

24-04-2026

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

To

- 1.The Sub Court, Rasipuram,
- 2.The Family Court, Chengalpattu District.



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R.KALAIMATHI, J.

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