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TR CMP No. 297 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 297 of 2025

and

CMP No.6077 of 2025

K.Baghya
W/o. PL. Subbiah @ Saravanan and
D/o. PL. Kasiviswanathan,
No.2A, Chinnakaruppan Chettiyar Street,
Pon-Pudupatti, Ponnamaravathy Taluk,
Pudukottai District.

also currently res. at No.10A,
Angalamman Koil Street, Manjakuppam,
Cuddalore.

..Petitioner(s)

Vs

PL. Subbiah @ Saravanan
S/o. Palaniappan,
Panayan Chettiar House,
No.4th Street, Valayapatti,
Ponnamaravathy Post and Taluk

And presently residing at No.F5,
Block - 2, Padmashri Willows,
Blue Moon Lane,
South Janath Road, Pallarivottam,
Ernakulam - 017.

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, 1908, to withdraw and transfer the proceedings in HMOP No.68 of 2023 pending on the file of Sub Court, Thirumayam to the Family Court, Cuddalore.

For Petitioner(s) : Mr.T.S.Baskaran

For Respondent(s): Ms.M.Vaishali

**ORDER**

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

2. The petitioner (wife) in H.M.O.P.No.68 of 2023, on the file of the Sub Court, Thirumayam, is the petitioner herein.

3. The petitioner would aver that herself and her family have been residing at Cuddalore and they shifted their residence from Pon-Pudupadi, Pudukottai to Cuddalore. She finds it difficult to travel from Cuddalore to Thirumayam about 234 kms.

4. The learned counsel for the petitioner would reiterate the grounds set out in the Transfer CMP and he would further add that, with regard to H.M.O.P., filed by the respondent herein in O.P.No.1291 of 2022 on the file of the Family Court, Ernakulam, she is taking steps to transfer the same, and seeks to transfer the H.M.O.P.No.68 of 2023 from the Sub Court, Thirumayam to the Family Court, Cuddalore.

5. The learned counsel for the respondent would vehemently argue that the distance between Cuddalore and Thirumayam is not too far and she may avail Video Conferencing facility and need not to appear before the Sub Court,



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6. On perusal of the case records, the petitioner / wife had instituted the aforesaid H.M.O.P before the Principal Sub Court, Pudukottai and at a later point of time, it was transferred to the Sub Court, Thirumayam and renumbered as H.M.O.P.No.68 of 2023.

7. Election ID card and Driving License copies of the petitioner have been enclosed along with Transfer Civil Miscellaneous Petition indicating the fact that she has been residing at Cuddalore.

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.

iii. In Lalita A. Ranga Vs. Ajay Champalal Ranja



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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.MO.P.No.68 of 2023 pending on the file of the Subordinate Court, Tirumayam is withdrawn and transferred to the file of the Family Court, Cuddalore. The learned Judge, Family Court, Cuddalore, 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.

10-04-2026

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

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R.KALAIMATHI, J.

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To

1. The Family Court, Cuddalore
2. The Sub Court, Thirumayam

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and
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