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Tr.C.M.P.No.411 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.411 of 2025

and

CMP No.9181 of 2025

V.Kanimozhi

... Petitioner

Vs

A.Velu

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw FCOP No.63 of 2024 on the file of the District Family Court at Thiruvannamalai and transfer the same to the file of the Subordinate Court at Tambaram to try along with HMOP No.81 of 2025.

PRAYER in C.M.P:

To stay all further proceedings in FCOP No.63 of 2024 on the file of the District Family Court at Thiruvannamalai, pending disposal of this transfer petition.

For Petitioner : Mr.L.P.Balaji Ram

For Respondent : Mr.D.Baskar



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hardship. She would also state that HMOP No.81 of 2025 filed by her is pending before the Subordinate Court, Tambaram and if both proceedings are continued in different Courts, there is a possibility of divergent findings and wastage of judicial time.

5. The respondent/husband has filed counter opposing the transfer. His contention, *inter alia*, is that the petitioner is residing abroad and is not attending the proceedings and the matter is at an advanced stage and transfer would delay adjudication.

6. This Court has considered the rival submissions and perused the materials placed. The power under Section 24 CPC is meant to ensure fair and convenient adjudication and to secure the ends of justice. In matrimonial transfer petitions, the consistent approach is to accord due weight to the convenience of the wife, particularly when she pleads and establishes hardship in attending proceedings at a distant place.

7. In the case on hand, the petitioner has pleaded long-distance travel of about 150 kilometres for each hearing and the child is in custody of the petitioner.



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In such circumstances, this Court is satisfied that the balance of convenience lies in favour of the petitioner and that transfer would advance the cause of justice without causing undue prejudice to the respondent. Hence, the Transfer Civil Miscellaneous Petition deserves to be allowed.

8. Accordingly, Tr.CMP No.411 of 2025 is allowed. FCOP No.63 of 2024 on the file of the District Family Court, Thiruvannamalai, is withdrawn and transferred to the file of the Subordinate Court, Tambaram. The District Family Court, Thiruvannamalai, shall transmit the entire records to the Subordinate Court, Tambaram, within three weeks from the date of receipt of a copy of this Order and the Subordinate court, Tambaram shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim Stay granted by this Court on 17.04.2025 shall stand vacated and the CMP No.9181 of 2025 is closed. There shall be no order as to costs.

19.01.2026

mfa/ay

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



To

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1. District Family Court at Thiruvannamalai
2. Subordinate Court at Tambaram



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DR. A.D. MARIA CLETE, J

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19.01.2026