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Tr.CMP No.417



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 417 of 2025

and

CMP No.9613 of 2025

R.Achuthan

...Petitioner(s)

Vs.

Mrs.S.Jagadeshwari

...Respondent(s)

Prayer in Tr.CMP No.417 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleaded to withdraw the H.M.O.P.No.621 of 2024 on the file of the Sub Court, Poonamallee and transfer the same to the Family Court, Cuddalore.

Prayer in CMP No.9613 of 2025: Petition filed under Section 151 of Code of Civil Procedure, pleaded to stay all further proceedings in H.M.O.P.No.621 of 2024 on the file of the Sub Court, Poonamallee pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.S.Poovendhan.

For Respondent(s) : Mr.RR.Mohanaraja.



ORDER

Heard.

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2. The petitioner/husband has filed the present Transfer Civil Miscellaneous Petition under Section 24 CPC seeking withdrawal of H.M.O.P. No.621 of 2024 pending on the file of the Sub Court, Poonamallee, and transfer of the same to the Family Court, Cuddalore.

3. The marriage between the parties was solemnized on 04.07.2019. The respondent/wife has filed H.M.O.P. No.621 of 2024 for divorce before Sub Court, Poonamallee. The petitioner relies upon his medical condition and refers to the disability certificate to contend that he is unable to travel to Poonamallee for the conduct of the proceedings.

4. The respondent/wife is residing within the jurisdiction of Poonamallee. The proceedings are presently before the Sub Court, Poonamallee, which would not require the regular presence of the respondent before the said Court.

5. It is also to be noted that transfer to a Family Court, as sought, would equally entail the requirement of physical appearance of both parties on regular



hearing dates. Therefore, the plea of inconvenience, by itself, does not warrant shifting the forum, particularly when the respondent would be put to greater hardship.

6. On the materials placed, the balance of convenience is in favour of the respondent/wife. If any dispensation of personal appearance is required, it is for the party concerned to move appropriate application before the Court where the proceedings are pending, and no such direction is called for in this transfer petition.

7. In the result, Tr.C.M.P. No.417 of 2025 is dismissed. Interim stay granted by this Court on 22.04.2025 shall stand vacated and C.M.P. No.9613 of 2025 is closed. No costs.

27.01.2026

Index:Yes/No
Neutral Citation:Yes/No
Internet:Yes
dsn



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DR. A.D.MARIA CLETE

dsn

To

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

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and CMP No.9613 of 2025

27.01.2026