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Tr.C.M.P.No.441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.441 of 2025

and

C.M.P.No.10199 of 2025

Priyadharshini, Age 25
D/o.Mr.Vijayaraman, [late]
Door No.26/95,
Ashok Nagar Main Road,
Kodambakkam, Chennai 600024.

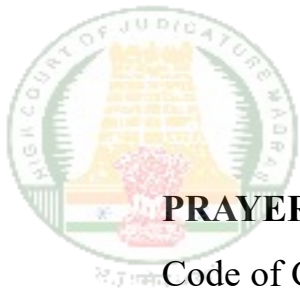
... Petitioner

Vs.

Ganesh Babu, Age 28,
S/o.P.Shanmugasundaram,
Door No.3B/30, Bryant Nagar,
13th West Street,
Tuticorin District – 628 008.

... Respondent

PRAYER in Tr.C.M.P.:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C.,to withdraw the case in H.M.O.P.No.396 of 2024 pending on the file of the Principal Judge, Family Court, Tuticorin and transfer the same to the file of the Family Court, Chennai district and pass such further or other orders and thus render justice.



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PRAYER in C.M.P. : Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay all further proceedings in H.M.O.P.No.396 of 2024 on the file of the Principal Judge, Family Court, Tuticorin pending disposal of this petition and thus render justice.

For Petitioner : Ms.A.Reshma.

For respondent : Mr.R.Thirumurthy.

O R D E R

Heard.

2. This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure seeking withdrawal of H.M.O.P. No.396 of 2024 from the file of the Principal Judge, Family Court, Tuticorin and to transfer the same to the file of the Family Court, Chennai.

3. The petitioner is the wife and states that the marriage between the petitioner and the respondent was solemnised on 19.11.2023 at Chennai, according to Hindu customs and rituals. She further states that after marriage they lived at Tuticorin for about a month and thereafter shifted to Bengaluru and due to the disputes in the family, the petitioner and the respondent got separated. Thereafter, the



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respondent/husband has filed H.M.O.P. No.396 of 2024 before the Principal Judge, Family Court, Tuticorin, seeking restitution of conjugal rights.

4. It is the case of the petitioner that she is now residing at Chennai along with her parents and she is put to serious hardship in travelling to Tuticorin for every hearing. The petitioner has specifically stated that the distance between Chennai and Tuticorin is about 600 kilometres and she is required to undertake such long travel for each and every hearing before the Family Court at Tuticorin.

5. The petitioner has also stated that she is the primary caregiver to her elderly parents and travelling such long distance causes substantial hardship and strain. The petitioner also states that the respondent is working in the IT sector at Bengaluru and residing there. The petitioner further states that due to the alleged matrimonial issues, she has moved proceedings under the Domestic Violence Act before the MM, XXII, Saidapet and thus prays for a transfer to Family Court, Chennai.

6. This Court has considered the above submissions. The power under Section 24 CPC is meant to ensure fair and convenient adjudication and to secure the ends



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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 600 kilometres for each hearing and has also pleaded practical constraints of caregiving responsibilities and probation period. The respondent is stated to be working and residing at Bengaluru. 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.C.M.P. No.441 of 2025 is allowed. H.M.O.P. No.396 of 2024 on the file of the Principal Judge, Family Court, Tuticorin, is withdrawn and transferred to the file of the Family Court, Chennai. The Principal Judge, Family Court, Tuticorin, shall transmit the entire records to the Family Court, Chennai, within three (3) weeks from the date of receipt of this order and the Family Court, Chennai shall dispose of the matter in accordance with law, as expeditiously as



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possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 24.04.2025 shall stand vacated and C.M.P. No.10199 of 2025 is closed. There shall be no order as to costs.

19.01.2026

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Principal Judge,
Family Court,
Tuticorin.

2.The Family Court,
Chennai.



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DR. A.D. MARIA CLETE, J

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Dated: 19.01.2026