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Tr.C.M.P.No.502 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.502 of 2025

and

C.M.P.No.12628 of 2025

Sivakumar

... Petitioner

Vs

1. Sivaranjani

2. Minor Yazhini

(Represented By Her Mother

Mrs.Sivaranjani)

... Respondents

Prayer in Tr.C.M.P. No.502 of 2025: Petition filed under Section 24 of CPC, to withdraw M.C.No.7 of 2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruvannainallur, Villupuram District and transfer the same to the Principal Subordinate Court, Kallakurichi.

Prayer in C.M.P. No.12628 of 2025: To grant an order of interim stay of all further proceedings in M.C.No.7 of 2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruvannainallur, Villupuram District, pending disposal of the Tr.C.M.P.



For Petitioner : Mr.R.Radhakrishnan

For Respondents :Mr.G.Rajesh

ORDER

Heard .

2. This Transfer Civil Miscellaneous Petition has been filed by the petitioner/husband seeking transfer of the maintenance proceedings in M.C.No.7 of 2023 (earlier M.C.No.12 of 2021), now pending on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruvannainallur.

3. The marriage between the petitioner and the first respondent is not in dispute and they have a minor girl child, Yazhini. The petitioner states that other litigations between the parties are pending in Kallakurichi jurisdiction and that he faces hardship in attending the proceedings at Thiruvannainallur.

4. The respondents have filed a counter, inter alia contending that the distance to Kallakurichi Court is about 52 kms and the first respondent has the minor child with her, and therefore, she would be put to hardship if the case is



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transferred to Kallakurichi. However, the respondents specifically state that they have no objection if the maintenance case is transferred from Thiruvennainallur to the Judicial Magistrate Court, Thirukkoyilur, since the distance is about 9 kms and the petitioner had already appeared before that Court earlier from 2021 to 2023.

5. This Court, while exercising power of transfer, is required to ensure that the ends of justice are met and unnecessary hardship to either side is avoided. In the case on hand, the maintenance proceedings were originally pending before the Judicial Magistrate Court, Thirukkoyilur and came to be transferred and renumbered owing to administrative/jurisdictional changes, as stated in the counter.

6. Considering the pleadings, the place of residence of the first respondent along with the minor child, and the specific stand taken in the counter that the respondents have no objection for transfer to Thirukkoyilur, this Court is of the view that transfer of the proceedings to the Judicial Magistrate Court, Thirukkoyilur would balance the convenience of both sides and subserve the interest of justice.



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7. Accordingly, Tr.C.M.P. No.502 of 2025 is disposed of.

M.C. No.7 of 2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruvannainallur, Villupuram District, is withdrawn and transferred to the file of the Judicial Magistrate Court, Thirukkoyilur, Kallakurichi District. The District Munsif-cum-Judicial Magistrate Court, Thiruvannainallur, shall transmit the entire records to the Judicial Magistrate Court, Thirukkoyilur, within three (3) weeks from the date of receipt of this order and the Judicial Magistrate Court, Thirukkoyilur 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 06.06.2025 shall stand vacated and C.M.P. No.12628 of 2025 is closed. There shall be no order as to costs.

08.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. District Munsif-cum-Judicial Magistrate Court,
Thiruvannainallur, Villupuram District,
2. Judicial Magistrate Court, Thirukkoyilur, Kallakurichi District
3. Judicial Magistrate Court, Thirukkoyilur



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DR. A.D. MARIA CLETE, J

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**Tr.C.M.P.No.502 of 2025
and
C.M.P.No.12628 of 2025**

08.01.2026