



Tr.CMP.No.548 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.548 of 2025

and

C.M.P.No.13471 of 2025

... Petitioner

T. Shobana

Vs.

M. Natraj

... Respondent

Prayer in Tr.CMP: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P. No.1552 of 2024 pending on the file of the Family Court, Madurai and to transfer the same to the file of the Family Court, Chennai.

Prayer in C.M.P: Petition filed under Section 151 of CPC, to stay all further proceedings in H.M.O.P. No.1552 of 2024 on the file of the Family Court, Madurai.

For Petitioner : Mrs.S.Viji

For Respondent : Mr.Preetham



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ORDER

Heard .

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking withdrawal of H.M.O.P.No.1552 of 2024 pending on the file of the Family Court, Madurai and transfer of the same to the file of the Family Court, Chennai.

3. The case of the petitioner, in brief, is that the marriage between the petitioner and the respondent was solemnised on 05.09.2016 and a female child was born on 04.12.2017. The respondent has instituted the divorce proceedings in H.M.O.P. No.1552 of 2024 before the Family Court, Madurai.

4. It is stated that the petitioner is a person with hearing impairment (75%) and she has difficulty in travelling and requires an attendant/support for effective communication and to attend proceedings. The petitioner is residing within the Chennai jurisdiction and her daughter is studying in Chennai; she is also stated to be



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working in a private company. According to her, frequent travel to Madurai is physically arduous and financially burdensome, and therefore, the transfer is sought.

5. This court considered the submissions. In a petition under Section 24 CPC, the paramount consideration is the ends of justice. In matrimonial matters, the convenience of the wife, particularly when she has to travel long distance and when she has the responsibility of a minor child, is a relevant and weighty factor. In the present case, the petitioner has specifically pleaded her disability and the practical difficulty in undertaking travel from Chennai side to Madurai for each hearing, along with attendant-related constraints and the schooling of the minor child at Chennai.

6. In the above circumstances, this Court is of the view that the request for transfer deserves acceptance, to enable effective participation by the petitioner and to avoid undue hardship.



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7. Accordingly, Tr.C.M.P.No.548 of 2025 is allowed.

H.M.O.P.No.1552 of 2024 on the file of the Family Court, Madurai, is withdrawn and transferred to the file of the Family Court, Chennai. The Family Court, Madurai, 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 possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 18.06.2025 shall stand vacated and C.M.P. No.13471 of 2025 is closed.

There shall be no order as to costs.

06.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
kkd



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Dr. A.D.MARIA CLETE, J.

kkd

To

- 1.The Family Court, Madurai.
- 2.The Family Court, Chennai.

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