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Tr.C.M.P.No.592 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.592 of 2025

and

CMP No.14509 of 2025

Santhiya

... Petitioner

Vs

Sathish Kumar

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw and transfer the petition for dissolution of marriage in H.M.O.P. No.41 of 2024 from the file of the Principal Subordinate Judge, Cheyyar, to the file of the Principal Subordinate Judge, Alandur.

PRAYER in C.M.P:

To grant an order of stay of all further proceedings in H.M.O.P. No.41 of 2024 on the file of the Principal Subordinate Judge, Cheyyar, pending disposal of the Transfer Civil Miscellaneous Petition.

For Petitioner : Mr.B.Sudhakar

For Respondent : Served/No appearance



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ORDER

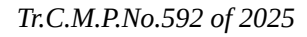
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1. Heard.
2. This Transfer Civil Miscellaneous Petition is filed by the wife seeking withdrawal and transfer of H.M.O.P. No.41 of 2024 (filed by the respondent/husband for dissolution of marriage) from the file of the Principal Subordinate Judge, Cheyyar, to the file of the Principal Subordinate Judge, Alandur.
3. The petitioner would state that the marriage between the parties was solemnised on 24.03.2021 at Cheyyar as per Hindu rites and customs. She is presently residing at Pallikaranai, Chennai. She alleges cruelty and further states that she has lodged a complaint before the All Women Police Station, Cheyyar. She also refers to her medical condition and asserts that travelling repeatedly to Cheyyar causes serious hardship. It is further stated that M.C. No.11 of 2024 seeking maintenance is pending before the Additional Mahila Court at Alandur.
4. The principal grounds urged for transfer are: (i) the petitioner's residence at Chennai; (ii) the long distance to Cheyyar (stated to be about 140 kilometres); (iii) her stated health condition and apprehension of



hardship/safety in attending proceedings at Cheyyar; and (iv) pendency of the connected maintenance proceedings at Alandur, making it convenient for effective adjudication if the matrimonial proceedings are also tried at the same place.

5. This Court, while exercising power under Section 24 CPC, is to consider the ends of justice and the comparative convenience of parties. In matrimonial matters, the convenience of the wife, particularly where she is stated to be residing away from the place where the proceedings are instituted and where connected proceedings are pending at her place of residence, is a relevant consideration. The petitioner has also specifically relied upon the protective intent behind Section 19(iii-a) of the Hindu Marriage Act (as pleaded), emphasising that the wife should not be put to avoidable hardship in participating in matrimonial proceedings.
6. On the facts placed, this Court finds that insisting the petitioner to travel to Cheyyar for every hearing would cause undue hardship, whereas transferring the matter to Alandur would not cause comparable prejudice to the respondent, and would also aid convenient and expeditious conduct of proceedings, particularly when maintenance proceedings are already pending at Alandur.



H.M.O.P. No.41 of 2024 on the file of the Principal Subordinate Judge, Cheyyar, is withdrawn and transferred to the file of the Principal Subordinate Judge, Alandur. The Principal Subordinate Judge, Cheyyar, shall transmit the entire records to the Principal Subordinate Judge, Alandur, within three (3) weeks from the date of receipt of this order and the Principal Subordinate Judge, Alandur 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 26.06.2025 shall stand vacated and C.M.P. No.14509 of 2025 is closed. There shall be no order as to costs.

 mfa

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. Principal Subordinate Judge, Cheyyar
2. Principal Subordinate Judge, Alandur.



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DR. A.D. MARIA CLETE, J

mfa

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