



Tr.CMP.No.660 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.660 of 2025

and CMP.No.15770 of 2025

Poornima

...Petitioner

Vs.

G.Ganesh Kumar

...Respondent

Prayer in Tr.C.M.P. No.660 of 2025: Petition filed under Section 24 CPC to withdraw O.P. No.215 of 2024 from the file of the Principal Subordinate Court, Uthamapalayam and transfer the same to the file of the Family Court, Salem, to be tried jointly along with M.C. No.5 of 2025.

Prayer in C.M.P. No.15770 of 2025: Petition filed under Section 151 CPC to grant stay of all further proceedings in O.P. No.215 of 2024 on the file of the Principal Subordinate Court, Uthamapalayam, pending disposal of the Transfer Petition.



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For Petitioner : Mr.L.Mouli

For Respondent : Mr.A.Suresh

ORDER

1. Heard.
2. This Transfer Civil Miscellaneous Petition is filed by the wife seeking transfer of O.P. No.215 of 2024 (filed by the husband under Section 9 of the Hindu Marriage Act) pending on the file of the Principal Subordinate Court, Uthamapalayam, to the file of the Family Court, Salem.
3. The petitioner states that the marriage between the parties was solemnized on 10.09.2021 and out of their wedlock, a male child, Dhruva, was born on 30.12.2022.
4. The petitioner further states that she was driven out of the matrimonial home on 22.06.2023 at about 2.30 a.m. and is residing at Salem with the minor child.
5. It is also stated that since the respondent has not provided maintenance, the petitioner has already initiated maintenance proceedings in M.C. No.5 of 2025 before the Family Court, Salem, and that the respondent is



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attending the hearings there.

6. According to the petitioner, the distance between Salem and Uthamapalayam is nearly 280 kilometres and she would be put to grave hardship in travelling for every hearing with a two-year-old child.
7. This Court has considered the above circumstances. The power under Section 24 CPC is to be exercised to advance the ends of justice. In matrimonial matters, the convenience of the wife, particularly when she is having the care of a minor child, is a relevant and weighty consideration. Here, the petitioner is residing at Salem with the minor child, and maintenance proceedings are already pending before the Family Court Salem, where the respondent is stated to be attending.
8. In such view of the matter, this Court is satisfied that the petitioner has made out sufficient grounds for transfer, so that both parties can effectively participate in the proceedings and multiplicity/inconvenience is minimized.
9. Accordingly, Tr.C.M.P. No.660 of 2025 is allowed. O.P. No.215 of 2024 on the file of the Principal Subordinate Court, Uthamapalayam, is withdrawn and transferred to the file of the Family Court, Salem. The Principal Subordinate Court, Uthamapalayam, shall transmit the entire records to the Family Court, Salem, within a period of three (3) weeks



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from the date of receipt of copy of this order and the Family Court, Salem

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 08.07.2025 shall stand vacated and C.M.P.

No.15770 of 2025 is closed. There shall be no order as to costs.

02.01.2026

Index : Yes/No

Speaking order : Yes/No

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To

1. The Principal Subordinate Judge,
Uthamapalayam

2. The Judge,
Family Court, Salem



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DR.JUSTICE A.D.MARIA CLETE.J.,

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