Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-11-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

TR CMP No. 646 of 2026
and
CMP NO. 17769 of 2026

Mercy Antony Mary
D/o. Xavier (late),
No.117, Kalyanasundaram Street,
Kasipalayam,
Erode 638 009.

..Petitioner(s)

Vs

Edward Kolandai Yesu
S/o. Francis,
No.10, Kamala Colony,
1st Street, Thiyagaraja Nagar,
Coimbatore 641 004.

..Respondent(s)

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in I.D.O.P. No.849 of 2026 pending on the file of the Principal Family Court of the Coimbatore and transfer the same to the Family Court at Erode.

For Petitioner(s): Mr. M.H. Mohammed Afzal

For Respondent(s): No appearance

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ORDER

(1) This Transfer Civil Miscellaneous Petition is filed by the wife to transfer the proceedings in I.D.O.P. No.849 of 2026 pending on the file of the Principal Family Court at Coimbatore to the Family Court at Erode.

(2) The petitioner's marriage with the respondent was solemnised on 28.05.2025 at Villupuram. While so, due to matrimonial discord, the petitioner was forced to return to her paternal home at Erode. Subsequently the respondent filed I.D.O.P.No.849 of 2026, before the Principal Family Court, Coimbatore for divorce on the ground of cruelty. The petitioner states that her father died in 2010 and she is totally dependent on her mother who is employed in a school van service for her basic needs. The petitioner states that she is employed as an Accountant in a textile company at Erode and that because of her employment commitments and her mother's health conditions, she was finding it extremely difficult to travel all the way from Erode to Coimbatore covering a distance of 100 kilometres by spending huge travel expenses to contest the matrimonial proceedings instituted by the respondent. The petitioner also states that because of the aforesaid proceedings, her employment is adversely affected. The petitioner therefore filed the petition for transfer.

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(3) The respondent was served with the private notice on 31.07.2026. When the matter was taken up on 17.08.2026, this Court based on the office report dated 14.08.2026, recorded that notice was served on the respondent and in order to give an opportunity to the respondent to contest the transfer petition, directed the Registry to list the matter today for final disposal. Today, when the matter is taken up for hearing, there is no representation for the respondent, though both Court as well as private notice are served. The averments of the petitioner remain uncontroverted by the respondent, since he has not chosen to contest the proceedings.

(4) Heard learned counsel for the petitioner and perused the materials placed on record.

(5) It is trite that in matrimonial matters the convenience of the wife takes precedence over that of the husband. The petitioner states that she is employed as an Accountant in a textile company at Erode and that she is also saddled with the responsibility of taking care of her aged and ailing mother. Admittedly, the petitioner has to travel a distance of 100 kilometres from Erode to Coimbatore to contest the proceedings instituted by the husband. Under the circumstances, this Court finds balance of convenience in favour of

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the petitioner and hence this Court is inclined to allow this Transfer Civil Miscellaneous Petition.

(6) Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.849 of 2026, pending on the file of the Principal Family Court, Coimbatore, is withdrawn and transferred to the Family Court, Erode. No costs. Consequently, the connected miscellaneous petition is closed.

23-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dsn

To
1. The Judge,
Principal Family Court,
Coimbatore.

2.The Judge,
Family Court,
Erode.

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N.MALA J.

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