



Tr.C.M.P.No.749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.749 of 2025

and

C.M.P.No.17566 of 2025

Vaitheeswari

... Petitioner

Vs.

Devakumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw O.P.No.54 of 2025 pending on the file of the Sub Court, Dharapuram and transfer the same to the Family Court, Coimbatore.

PRAYER IN CMP in 17566 of 2025: To stay all further proceedings in O.P.No.54 of 2025 pending on the file of the Sub Court, Dharapuram pending disposal of the above Transfer Miscellaneous Petition.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : No appearance



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ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the wife seeking withdrawal of O.P.No.54 of 2025 from the file of the Sub Court, Dharapuram and transfer of the same to the Family Court, Coimbatore.

3. The marriage between the petitioner and the respondent was solemnized on 28.07.2015. Out of the wedlock, they have a male child, who is aged about 7 years and is stated to be in the custody of the petitioner.

4. The respondent has instituted O.P.No.54 of 2025 before the Sub Court, Dharapuram, seeking divorce on the grounds of cruelty and desertion.

5. The petitioner seeks transfer on the ground that she is residing at Coimbatore with the minor child; that it would be difficult to travel to Dharapuram on every hearing date; that she has to attend to the child's schooling and day-to-day



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care; and that she has apprehension/safety concerns in travelling and appearing at Dharapuram.

6. This Court has considered the pleadings and the grounds urged. In matrimonial matters, the convenience of the wife particularly where a minor child is in her custody and she has to attend to the child's daily needs assumes significance while considering transfer under Section 24 of C.P.C. The petitioner has shown sufficient cause of hardship in travelling to Dharapuram and the ends of justice would be served by ordering transfer. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

7. Accordingly, Tr.C.M.P. No.749 of 2025 is allowed. O.P. No.54 of 2025 on the file of the Sub Court, Dharapuram, is withdrawn and transferred to the file of the Family Court, Coimbatore. The Sub Court, Dharapuram, shall transmit the entire records to the Family Court, Coimbatore, within three (3) weeks from the date of receipt of this order and the Family Court, Coimbatore shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted



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by this Court on 24.07.2025 shall stand vacated and C.M.P. No.17566 of 2025 is closed. There shall be no order as to costs.

05.01.2026

dpq

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1. The Sub Court,
Dharapuram.

2.The Family Court,
Coimbatore



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DR. A.D. MARIA CLETE, J.

dpq

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