



WEB COPY



Tr.C.M.P.No.747 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM

THE HON'BLE Mrs.JUSTICE R.KALAIMATHI

Tr.C.M.P.No.747 of 2025

and

C.M.P.No.17505 of 2025

S.Tamilselvi

... Petitioner

Vs

V.Balaji

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.329 of 2022 on the file of the VII Additional Family Court, Chennai and transfer the same to the Sub-Court, Vandavasi.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Ms.Farheen Begum

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.



Tr.C.M.P.No.747 of 2025

WEB COPY

2. The respondent(wife) in H.M.O.P.No.329 of 2022 has filed this petition.

3. Petitioner/wife would aver that she is an unemployed and she has got child aged about 9 years and she finds it difficult to travel from Vandavasi to Chennai for about 260 Kms., up and down for all the Court hearings and she is not in a position to meet out the travelling expenses and other expenses, for which, she depends upon her parents. She needs some assistance on the Court hearing dates.

4. Learned counsel for the petitioner would reiterate the grounds set out in the petition and seeks to order the petition as prayed for.

5. Per contra, the learned counsel for the respondent/husband by filing counter would vehemently contend that respondent/husband was all along attending the Court proceedings before the Judicial Magistrate Court, Vandavasi in M.C.No.3 of 2021 on the file of the Judicial Magistrate, Vandavasi. Therefore, according to her the petition may be dismissed. She also would contend that the petitioner can avail the



Tr.C.M.P.No.747 of 2025

video conferencing facility and she need not to travel to Chennai for all the Court hearings. In support of her contention, following judgments of the Apex Court were referred to :-

(i) **Anindita Das v. Srijit Das** in Transfer Petition (Civil) No.191 of 2025.

wherein, the Hon'ble Supreme Court chose to dismiss the transfer petition filed by the wife and directed the respondent to pay travel and stay expenses of the petitioner (2nd A.C., train) and for her companion for each and every occasion and stay expenses for the petitioner and her companion in a 3 Star Hotel.

(ii) **Vaishali Shridhar Jagtap v. Shridhar Vishwanath Jagtap** in Civil Appeal Nos.5159-6160 of 2026 (Arising out of S.L.P.No.(C) Nos.15558-1559 of 2014).

6. Based on the aforesaid submissions made by both sides and on perusal of the records, it is pellucid that comparative hardship to the petitioner (wife) is more.

7. The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled by the Hon'ble



Tr.C.M.P.No.747 of 2025

Supreme Court in the following cases:-

WEB COPY

“i. In AIR 2000 SC 3512 (1) (Mona Aresh Goel vs. Aresh Satya Goel), when the wife pleaded that she was unable to bear the traveling expenses and even to travel alone and stay at Bombay, the Supreme Court ordered transfer of proceedings.

ii. In 2000 (10) SCC 304 (Geeta Heera Vs. Harish Chander Heera), the Hon’ble Supreme Court has held that where the petitioner’s wife has pleaded lack of money, the same has to be considered.

iii. In Lalita A. Ranga Vs. Ajay Champalal Ranja reported in (2009) 9 SCC 355 , wherein the wife, who was having small child and she was finding it difficult to travel from Jaipur to Bombay, and the Hon’ble Apex Court accepting her request ordered the transfer petition in favour of the wife transferring the transfer petition from Family Court at Bandra in Mumbai to the Family Court at Jaipur.”

8. Petitioner(wife) is the resident of Vandavasi, Tiruvannamalai District and the respondent(husband) is the resident of Ayanavaram, Chennai(temporary address).



Tr.C.M.P.No.747 of 2025

WEB COPY

9. In consideration of the above said details, the request of the petitioner herein / wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.M.O.P.No.329 of 2022 pending on the file of the VII Additional Family Court, Chennai is withdrawn and transferred to the file of the Sub-Court, Vandavasi, Tiruvannamalai District. The learned Judge of the Sub-Court, Vandavasi, on receipt of the records shall take all effective steps to dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

08.04.2026

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

To

1. The VII Additional Family Court, Chennai.
2. The Subordinate Court, Vandavasi, Tiruvannamalai.
3. The Section Officer,
V.R.Section, High Court,
Madras.

5/6



WEB COPY



Tr.C.M.P.No.747 of 2025

R.KALAIMATHI, J.,

ssn

Tr.C.M.P.No.747 of 2025
and
C.M.P.No.17505 of 2025

08.04.2026