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TR CMP No. 736 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

**TR CMP No. 736 of 2025
AND
CMP Nos.17114 & 7113 of 2025**

R. Anusuya

..Petitioner(s)

Vs.

V.Pradeep

.Respondent(s)

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the HMOP.No. 85 of 2023 pending on the file of Principal Subordinate Judge at Viruthachalam, and transfer the same to the file of Family Court at Chennai.

For Petitioner : Mr.K.Kannadhasan

For Respondent : No Appearance

ORDER

When the matter came up on.13.03.2026 for want of counsel for the respondent, it was adjourned and posted to 17.03.2026.. Today also, the learned counsel for the respondent neither appeared in person nor appeared through his counsel.



2. This Transfer Civil Miscellaneous Petition is filed seeking withdrawal of H.M.O.P.No.85 of 2023 pending on the file of the Principal Sub-Court, Viruthachalam, and to transfer the same to the Family Court, Chennai.

3. Heard the learned counsel for the petitioner.

4. The petitioner would aver that the respondent/husband has filed H.M.O.P.No.85 of 2023 on the file of Principal Sub Court, Viruthachalam, seeking divorce under Section 13(i-a) of the Hindu Marriage Act,1955 She would further aver that the petitioner/wife is residing at Medavakkam, and that she has to take care of her children. Hence, she finds it difficult to travel 250 kms one way (500 kms up and down) to Viruthachalam to attend every hearing of the case. Therefore, she prays for transfer.

5. The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled by the Hon'ble Supreme Court in the following cases:-

"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.



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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."

6. The reasons put forth by the petitioner appear to be justified. Considering the fact that the petitioner has to take care of her children and she finds it difficult to travel to Viruthachalam, this Court is of the view that the petition deserves to be ordered.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.85 of 2023 pending on the file of the Principal Subordinate Court at Viruthachalam is withdrawn and transferred to the file of II Additional Principle Judge, Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

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

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R.KALAIMATHI, J.

KKD

To

1. The Principal Subordinate Court, Viruthachalam .
2. The II Additional Principal Judge, Family Court, Chennai.

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