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Tr.C.M.P.No.773 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.773 of 2025

and

C.M.P.No.17923 of 2025

M. Durga

... Petitioner

Vs.

S. Pachaiappan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer H.M.O.P. No.301 of 2025 pending on the file of the Family Court, Puducherry to the file of the Family Court, Karaikal.

Prayer in C.M.P. No.17923 of 2025: Petition to grant interim stay of all further proceedings in H.M.O.P. No.301 of 2025 pending on the file of the Family Court, Puducherry, pending disposal of the Transfer Civil Miscellaneous Petition.



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For Petitioner : Mr.A.Subalakshmi

For Respondent : Mr.A.Murali

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ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P. No.301 of 2025 filed by the respondent/husband for restitution of conjugal rights from the file of the Family Court, Puducherry to the file of the Family Court, Karaikal.

3. The case of the petitioner, in brief, is that the marriage between the parties was solemnized on 25.04.2021 and a child was born in the wedlock. The petitioner states that she is residing with her parents at Nedungadu, Karaikal, along with the minor child, and that it is difficult for her to travel to Puducherry for every hearing, having to take care of the child and also on account of her health condition. She further states that the distance is more than 150 kms and the travel consumes substantial time, thereby causing hardship.



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4. In transfer petitions arising out of matrimonial proceedings, the consistent view is that the convenience of the wife, particularly when she is having the custody of a minor child, deserves greater consideration, as she would be required to attend every hearing and face practical difficulties in travel and attendance.

5. In the present case, the petitioner has made out a case of genuine hardship. On the other hand, no serious prejudice would be caused to the respondent if the matter is transferred, since the proceedings are yet to be tried and the respondent can prosecute the case before the transferee Court. Considering the above circumstances, this Court is of the view that the transfer sought for deserves to be ordered.

6. Accordingly, Tr.C.M.P. No.773 of 2025 is allowed. H.M.O.P. No.301 of 2025 on the file of the Family Court, Puducherry, is withdrawn and transferred to the file of the Family Court, Karaikal. The Family Court, Puducherry, shall transmit the entire records to the Family Court, Karaikal, within three (3) weeks from the date of receipt of this order and the Family Court, Karaikal shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order.



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Interim stay granted by this Court on 28.07.2025 shall stand vacated and C.M.P.

No.17923 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 Family Court,
Puducherry

2.The Family Court,
Karaikal.



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DR. A.D. MARIA CLETE, J.

dpq

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and
C.M.P.No.17923 of 2025

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