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TR CMP No. 796 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 796 of 2025

AND

CMP NO. 18236 OF 2025

Sathya Devi

..Petitioner(s)

Vs.

Raj Kishore

..Respondent(s)

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the I.D.O.P.No.36 of 2024 from the file of before the Principal District and Session Court, Tiruvallur and transfer to the Family Court at Chennai.

For Petitioner(s) : Mr.M.Prakash

For Respondent(s) : Mr.R.Krishnan

ORDER

Heard the learned counsel for the petitioner/wife and the learned counsel for the respondent/husband.

2. The respondent in IDOP.No.36 of 2024 on the file of the Principal District Court, Tiruvallur is the petitioner herein.



3. Petitioner/wife would aver that she is residing at present in the given address only at Ayanavaram, Chennai District and that she has to take care of her mother, who is a cancer patient along with her four years old child. Hence, she finds it difficult to appear before Principal District and Sessions Court, Tiruvallur for all the hearing dates. Therefore, she prays for transfer.

4. Per contra, the learned counsel for the respondent does not have any serious objection in ordering the Transfer Civil Miscellaneous Petition.

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.

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.”

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6. On perusal of petition filed in I.D.O.P.No.36 of 2024, it appears that petitioner/husband is the resident of Amuthoormedu, Pattabiram, Tiruvallur District and the respondent/wife is resident of Chennai District (Ayanavaram).

7. 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, I.D.O.P.No.36 of 2024 pending on the file of the Principal District and Sessions Court, Tiruvallur is withdrawn and transferred to the file of the V Additional Principal Court, Family Court, Chennai to be tried along with HMOP.No.482 of 2025. The V Additional Principal Family Court, Chennai on receipt of the records to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

27-03-2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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R.KALAIMATHI J.

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