



WEB COPY

Tr.CMP No.819



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 819 of 2025

and

CMP No.18894 of 2025

Anushika Porselvi

...Petitioner(s)

Vs

Samuel Rathnasingh

...Respondent(s)

Prayer in Tr.CMP No.819 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleased to withdraw the I.D.O.P.No.138 of 2025 on the file of the Principal District and Sessions Judge at Tiruvallur and transfer the same to the Principal District and Sessions Court at Thenkasi.

Prayer in CMP No.18894 of 2025: Petition filed under Section 151 of Civil Procedure Code, pleased to stay the proceedings in I.D.O.P.No.138 of 2025 on the file of the Principal District and Sessions Judge at Tiruvallur pending disposal of the above Transfer Petition.

For Petitioner(s) : Mr.K.Seetharam

For Respondent(s) : No appearance



ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the wife seeking transfer of I.D.O.P.No.138 of 2025 (filed by husband for divorce), from the file of the Principal District and Sessions Judge, Tiruvallur to the file of the Principal District and Sessions Court, Thenkasi.

3. The case of the petitioner, in brief, is that the marriage between the parties was solemnized on 06.12.2019 and two male children were born on 22.09.2020. The petitioner states that she is residing at Thenkasi District with the minor children and that she is unemployed and dependent on her aged parents. She would also state that the respondent has filed the above I.D.O.P. at Tiruvallur and that it is extremely difficult for her to travel a long stance (stated to be about 664 Kms) for every hearing, leaving the two minor children.

4. It is also pointed out that earlier, in respect of a restitution petition, the petitioner had approached this Court and transfer was ordered in Tr.C.M.P. No.800 of 2023, transferring I.D.O.P. No.197 of 2023 from Tiruvallur to Thenkasi.



5. This Court has considered the rival submissions. In transfer petitions arising out of matrimonial proceedings, the convenience of the wife and the welfare of minor children ordinarily deserve greater weight, particularly where the wife is stated to be unemployed, staying with minor children, and the travel involved is substantial. In the case on hand, the petitioner has pleaded that she is residing at Thenkasi with twin minor children and that attending the proceedings at Tiruvallur would cause serious hardship owing to long-distance travel.

6. This Court also takes note that an earlier transfer between the same parties, from Tiruvallur to Thenkasi, has already been ordered by this Court in Tr.C.M.P.No.800 of 2023. In such circumstances, the request for transfer in the present petition is reasonable and justified, and no serious prejudice will be caused to the respondent if the matter is tried at Thenkasi, whereas denial of transfer would result in undue hardship to the petitioner.

7. Accordingly, Tr.C.M.P.No.819 of 2025 is allowed. The I.D.O.P.No.138 of 2025 on the file of the Principal District and Sessions Judge, Tiruvallur, is withdrawn and transferred to the file of the Principal District and Sessions Court, Thenkasi. The Principal District and Sessions Judge, Tiruvallur, shall transmit the entire records to the Principal District and Sessions Court, Thenkasi. within three(3) weeks from the date of receipt of a copy of this order and



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the Principal District and Sessions Court, Thenkasi, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this Court on 06.08.2025 shall stand vacated and C.M.P No.18894 of 2025 is closed. There shall be no order as to costs.

12.01.2026

Index:Yes/No
Internet:Yes
dsn



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To

1. The Principal District and Sessions Judge, Tiruvallur.
2. The Principal District and Sessions Court, Thenkasi.



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DR. A.D.MARIA CLETE

dsn

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