



WEB COPY

Tr.CMP No.832



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 832 of 2025

and

CMP No.19084 of 2025

H.Karthika

...Petitioner(s)

Vs

A.V.Santhosh

...Respondent(s)

Prayer in Tr.CMP No.832 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleaded to grant an order withdrawing H.M.O.P No. 163 of 2025, pending on the file of the Court of the Principal Subordinate Court, Kumbakonam and transfer the same to the court of the Family Court, Cuddalore.

Prayer in CMP No.19084 of 2025: Petition filed under Section 151 of Civil Procedure Code, pleaded to Stay all further proceedings in H.M.O.P No. 163 of 2025, pending on the file of the Court of the Principal Subordinate Court, Kumbakonam, pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.P. Muthukumarasamy

For Respondent(s) : No appearance



ORDER

1. Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the wife seeking withdrawal of H.M.O.P. No.163 of 2025 on the file of the Principal Subordinate Court, Kumbakonam and transfer of the same to the file of the Family Court, Cuddalore.

3. The petitioner states that the marriage between the parties was solemnised on 03.03.2017 and they are blessed with two male children (born on 20.11.2017 and 09.11.2023). The petitioner is presently residing at Cuddalore in her parents' house, and she is working as a Teacher in Government Panchayat Union Middle School, Kodukkanapalayam, Cuddalore.

4. The respondent/husband has filed H.M.O.P. No.163 of 2025 before the Court at Kumbakonam seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. The petitioner would submit that, considering her employment, responsibility of taking care of the two minor children and aged parents, she would be put to grave hardship if she is compelled to travel to Kumbakonam for each and every hearing.

5. In matrimonial proceedings, the Court has to adopt a pragmatic approach and consider the issue of transfer primarily on the touchstone of



convenience, access to justice and avoidance of hardship, particularly where the wife is saddled with the care of minor children. The petitioner has shown sufficient cause that her attending proceedings at Kumbakonam would cause serious inconvenience and prejudice, whereas the respondent can effectively contest the proceedings before the Family Court at Cuddalore. In the above circumstances, this Court is satisfied that it is a fit case for transfer.

6. Accordingly, Tr.C.M.P. No. 832 of 2025 is allowed. H.M.O.P. No. 163 of 2025 on the file of the Principal Subordinate Court, Kumbakonam, is withdrawn and transferred to the file of the Family Court, Cuddalore. The Principal Subordinate Court, Kumbakonam, shall transmit the entire records to the Family Court, Cuddalore, within three (3) weeks from the date of receipt of this order and the Family Court, Cuddalore shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 07.08.2025 shall stand vacated and C.M.P. No. 19084 of 2025 is closed.

There shall be no order as to costs.

08.01.2026

Index:Yes/No

Neutral Citation:Yes/No

Internet:Yes

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DR. A.D.MARIA CLETE

dsn

To

1. The Principal Subordinate Court, Kumbakonam.
2. The Family Court, Cuddalore.

TR CMP No. 832 of 2025
and CMP No.19084 of 2025

08.01.2026