



Tr.CMP.No.849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.849 of 2025

and

C.M.P.No.19262 of 2025

P.Nagadevi

... Petitioner

Vs.

R.Pradeep Kumar

... Respondent

Prayer in Tr.CMP.No.849 of 2025: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P. No.32 of 2025 from the file of the Sub Court, Palani to the file of the Family Court, Salem .

Prayer in C.M.P. No.19262 of 2025 : Petition filed under Section 151 CPC, to stay all further proceedings in H.M.O.P. No.32 of 2025 on the file of the Sub Court, Palani, pending disposal of Tr.C.M.P.No.849 of 2025.

For Petitioner : Mr.K.Selvaraj

For Respondent : Ms.M.Samantha



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ORDER

Heard .

2. The petitioner/wife seeks transfer of the husband's divorce petition in H.M.O.P.No.32 of 2025 pending on the file of the Sub Court, Palani to the file of the Family Court, Salem.

3. The case of the petitioner, in brief, is that the marriage between the parties was solemnised on 11.02.2022 and a male child was born on 28.12.2023. The petitioner is working as a Teacher at Government Higher Secondary School, Murugampatty, Salem. It is stated that the respondent/husband has filed the divorce petition in Palani and the petitioner has already filed her counter therein.

4. The petitioner further states that she is having a one and half year old child to be looked after by her and that her father died on 02.12.2024 and she is living with her aged mother at Salem. It is also stated that the distance between Salem and Palani is about 250 kms



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and there is no male member in her family to accompany her; and she would be put to undue hardship in attending each hearing at Palani.

5. In matrimonial transfer petitions, the consistent approach is to consider the convenience and hardship of the spouse who has to contest the proceedings, particularly when the spouse is burdened with the care of a minor child and has to travel long distance for every hearing. From the materials placed, the petitioner is employed at Salem and has the responsibility of a minor child; the distance between Salem and Palani is substantial, and the petitioner has made out a case of hardship in attending proceedings at Palani.

6. In the above circumstances, this Court is satisfied that the ends of justice would be met by ordering transfer of H.M.O.P. No.32 of 2025 from the file of the Sub Court, Palani to the file of the Family Court, Salem.

7. Accordingly, Tr.C.M.P.No.849 of 2025 is allowed. H.M.O.P.No.32 of 2025 on the file of the Sub Court, Palani, is



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withdrawn and transferred to the file of the Family Court, Salem.

The Sub Court, Palani, shall transmit the entire records to the Family Court, Salem, within three (3) weeks from the date of receipt of this order and the Family Court, Salem 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.19262 of 2025 is closed.

There shall be no order as to costs.

06.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
kkd



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Dr. A.D.MARIA CLETE, J.

kkd

To

- 1.The Sub Court, Palani.
- 2.The Family Court, Salem .

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06.01.2026