



WEB COPY

Tr.CMP No.824



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 824 of 2025

and

CMP No.19007 of 2025

Nibuna

...Petitioner(s)

Vs

K.Aravind

...Respondent(s)

Prayer in Tr.CMP No.824 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleaded to withdraw the H.M.O.P. No.206 of 2025 on the file of the Family Court, Theni and transfer the same to Subordinate Court, Neyveli.

Prayer in CMP No.19007 of 2025: Petition filed under Section 151 of Civil Procedure Code, pleaded to grant interim stay of all further proceedings in H.M.O.P. No.206 of 2025 on the file of the Family Court, Theni pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.I.Abrar Mohamed Abdullah

For Respondent(s) : M/s.R.Shobana

for Mr.S.Vinod



ORDER

Heard.

2. The petitioner is the wife of the respondent. The respondent has filed H.M.O.P.No.206 of 2025 on the file of the Family Court, Theni, seeking divorce. The present Transfer Civil Miscellaneous Petition is filed to transfer the same to Subordinate Court, Neyveli.

3. The marriage between the parties is stated to have been solemnised on 03.02.2023. A female child, “Amizhthini”, is born to the parties and is stated to be undergoing treatment for Retinoblastoma and Global Developmental Delay with ongoing Chemotherapies. The petitioner asserts that she is the sole caregiver for the child and is presently residing with her aged parents at Neyveli.

4. It is further stated that the distance between Neyveli and Theni is approximately 350 Kms and travel for each hearing, with the child requiring ongoing treatment, would cause severe hardship and affect the child’s health, whereas no prejudice would be caused to the respondent, if the matter is tried at Neyveli.

5. This Court notes that in transfer petitions arising from matrimonial proceedings, the consistent approach is that the Court must weigh the *balance of convenience, comparative hardship, access to justice*, and importantly, the *welfare and caregiving responsibilities relating to minor children*.



6. In the present case, the pleaded circumstances disclose (i) the petitioner's caregiving role to the minor child with asserted serious medical condition requiring continuing treatment; (ii) the substantial travel distance between Neyveli and Theni; and (iii) the pendency of allied proceedings at/near Neyveli. On the other hand, no material is placed to show that the respondent would suffer prejudice incapable of being addressed if the matrimonial proceedings are transferred. In such circumstances, this Court is satisfied that the ends of justice would be served by allowing the transfer sought.

7. Accordingly, Tr.C.M.P.No.824 of 2025 is allowed. The proceedings in H.M.O.P.No.206 of 2025 on the file of the Family Court, Theni, is withdrawn and transferred to the file of the Subordinate Court, Neyveli. The Family Court, Theni shall transmit the entire records to the learned Subordinate Court, Neyveli, within three(3) weeks from the date of receipt of a copy of this order and the Subordinate Court, Neyveli 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 07.08.2025 shall stand vacated and CMP No.19007 of 2025 is closed. No costs.

12.01.2026

Index: Yes/No
Internet: Yes
dsn



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DR. A.D.MARIA CLETE

dsn

To

1. The Family Court, Theni.
2. The Subordinate Court, Neyveli.

TR CMP No. 824 of 2025
and CMP No.19007 of 2025

12.01.2026