



Tr.C.M.P.No.862 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

Tr.C.M.P. No.862 of 2025

&

C.M.P. No.19490 of 2025

G. Kalaiselvi

... Petitioner

Vs

N. Santhosh Kumar

... Respondent

Prayer in Tr.C.M.P. No.862 of 2025: Petition filed under Section 24 CPC to withdraw H.M.O.P. No.89 of 2025 pending on the file of the Subordinate Judge, Tirupattur and transfer the same to a competent Court at Chennai, more particularly, the Family Court, Chennai.

Prayer in C.M.P. No.19490 of 2025: To grant interim stay of further proceedings in H.M.O.P. No.89 of 2025 pending disposal of the transfer petition.

For Petitioner : Mr.C.D.Johnson

For Respondent : No appearance



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ORDER

1. Heard .
2. This Transfer Civil Miscellaneous Petition is filed seeking withdrawal of H.M.O.P. No.89 of 2025 pending on the file of the Subordinate Judge, Tirupattur and transfer of the same to the Family Court, Chennai. The said H.M.O.P. has been instituted by the respondent/husband seeking dissolution of marriage.
3. The case of the petitioner is that she is residing at Chennai and is a person with disability. In the affidavit filed in support of the transfer petition, she has stated that she has disability in her right hand and her mobility is restricted, and that she would be put to serious hardship if she is compelled to travel from Chennai to Tirupattur to attend the hearings. She has also stated that she has to travel a long distance and incur expenses for each hearing and that the transfer is sought to avoid such hardship. The summary placed also notes that the petitioner is a disabled person (about 60% disability) and residing at Chennai.



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4. It is also relevant to note that, at the time of admission, this Court ordered notice and granted an interim stay in the connected miscellaneous petition.

5. In transfer petitions arising out of matrimonial proceedings, the consistent approach of Courts is to ensure that the proceedings are conducted in a manner that does not deny effective access to justice, and that undue hardship—particularly to a spouse who pleads genuine difficulty in travel—ought to be avoided. The petitioner before this Court has specifically pleaded disability and restricted mobility, coupled with residence at Chennai, while the proceedings are pending at Tirupattur.

6. The materials placed show that the trial has not yet commenced before the trial Court. Therefore, no prejudice would be caused by ordering transfer at this stage, whereas refusal would compel the petitioner to undertake repeated travel notwithstanding the pleaded disability-related constraints.

7. Considering the aforesaid facts and circumstances, and balancing the convenience of parties and the interest of justice, this Court is of the view that the prayer sought for transfer deserves to be allowed.

8. Accordingly, Tr.C.M.P. No.862 of 2025 is allowed. H.M.O.P. No.89 of 2025 on the file of the Subordinate Judge, Tirupattur, is withdrawn and transferred to the file of the Family Court, Chennai. The Subordinate Judge, Tirupattur,



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shall transmit the entire records to the Family Court, Chennai, within three

(3) weeks from the date of receipt of this order and the Family Court, Chennai 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 12.08.2025 shall stand vacated and C.M.P. No.19490 of 2025 is closed. There shall be no order as to costs.

30.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. Subordinate Judge, Tirupattur
2. Family Court, Chennai



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DR. A.D. MARIA CLETE, J

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&
C.M.P. No.19490 of 2025**

30.01.2026