



WEB COPY

Tr.CMP No.845



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 845 of 2025

and

CMP No.19252 of 2025

M.Punitha

...Petitioner(s)

Vs

1.A.Iniyavan @ Balachandar

2.S.Arun

...Respondent(s)

Prayer in Tr.CMP No.845 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleased to withdraw the H.M.O.P. No.23 of 2025 on the file of the learned Sub Court, Thirumayam and transfer the same to the file of the Honb'le Sub Court, Pollachi.

Prayer in CMP No.19252 of 2025: Petition filed under Section 151 of Civil Procedure Code, pleased to stay all further proceedings in H.M.O.P. No.23 of 2025 on file of the learned Sub Court, Thirumayam pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.A.Arun

For Respondent(s) : No appearance



ORDER

1. Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking withdrawal of H.M.O.P. No.23 of 2025 pending on the file of the learned Sub Court, Thirumayam and for transfer of the same to the file of the Sub Court, Pollachi.

3. The case of the petitioner, in brief, is that the marriage between the petitioner and the first respondent was solemnised on 25.06.2023 and that, thereafter, matrimonial discord arose. The first respondent has instituted H.M.O.P. No.23 of 2025 before the Sub Court, Thirumayam under Section 11 of the Hindu Marriage Act. It is stated that the petitioner is presently residing at Pollachi along with her aged parents and that her parents are suffering from age-related ailments, requiring her care and assistance.

4. The petitioner would submit that the Sub Court, Thirumayam is at a distance of about 250 kilometres from Pollachi and that she has to travel for more than five hours for every hearing, which, according to her, causes grave hardship. It is also stated that she has no effective assistance at Thirumayam to attend the proceedings frequently.

5. This Court has considered the above submissions. It is well settled that in petitions for transfer arising out of matrimonial proceedings, the



WEB COPY

convenience of the wife ordinarily deserves due weight, particularly when long-distance travel and attendant difficulties are demonstrated. In the present case, considering the distance involved and the stated responsibility of the petitioner to take care of her aged parents, this Court is of the view that the ends of justice would be served by ordering transfer. Accordingly, the Tr.C.M.P. is allowed and the following order is passed.

6. Accordingly, Tr.C.M.P. No.845 of 2025 is allowed. H.M.O.P. No.23 of 2025 on the file of the Sub Court, Thirumayam, is withdrawn and transferred to the file of the Sub Court, Pollachi. The Sub Court, Thirumayam, shall transmit the entire records to the Sub Court, Pollachi, within three (3) weeks from the date of receipt of this order and the Sub Court, Pollachi 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.19252 of 2025 is closed. There shall be no order as to costs.

08.01.2026

Index:Yes/No

Neutral Citation:Yes/No

Internet:Yes

dsn



WEB COPY

Tr.CMP No.845



DR. A.D.MARIA CLETE

dsn

To

1. The Sub Court, Thirumayam.
2. The Sub Court, Pollachi.

TR CMP No. 845 of 2025
and CMP No.19252 of 2025

08.01.2026