



Tr.C.M.P.No.965 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.965 of 2025

and

C.M.P. No.21774 of 2025

Mrs. B. Saranya

W/o. Mr. K. Balasubramanian,
No.03, Tamil Selvi Nagar, Velingapattarai
(Near Manonmaniyam Thirumana Mahal),
Kancheepuram – 631 501

... Petitioner

-versus-

Mr. K. Balasubramanian

No.60, Vivekanandhar High Road,
Aranvoyal Village, Thiruvallur – 602 025,
and also having business at No.437/7,
Vivekanandhar High Road, Aranvoyal Village,
Thiruvallur – 602 025.

... Respondent

Prayer in Tr.C.M.P. No.965 of 2025 :

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P. No.643 of 2024 on the file of the Court of the Subordinate Judge, Poonamallee and transfer the same to the file of the Principal Subordinate Judge, Kancheepuram, and pass such further or other orders.



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Prayer in C.M.P. No.21774 of 2025 :

Petition to stay all further proceedings in H.M.O.P. No.643 of 2024 on the file of the Subordinate Judge, Poonamallee, pending disposal of the Transfer Civil Miscellaneous Petition.

For Petitioner: Mr.C.T.Prabhakar

For Respondent : Mr.M.Ganesan

ORDER

1. Heard.
2. The petitioner is the wife. The respondent is the husband. The respondent has instituted H.M.O.P. No.643 of 2024 seeking dissolution of marriage on the file of the learned Subordinate Judge, Poonamallee. The present Transfer Civil Miscellaneous Petition is filed seeking withdrawal of the said H.M.O.P. and transfer to the Court of the learned Principal Subordinate Judge, Kancheepuram.



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3. The case of the petitioner, in substance, is that she is residing at Kancheepuram and has no independent income. She would be put to hardship if she is required to travel and contest the proceedings at Poonamallee. It is also pointed out that other proceedings between the parties are pending at Kancheepuram, including a maintenance case.

4. Per contra, the learned counsel for the respondent would submit that the children are in the custody of the husband at/near Poonamallee and the respondent would be inconvenienced if the proceeding is transferred.

5. This Court has considered the rival submissions. In transfer petitions arising out of matrimonial disputes, the consistent approach is to examine the balance of convenience and the likelihood of prejudice/hardship. Ordinarily, where the wife demonstrates genuine difficulty in undertaking repeated travel, and particularly where connected proceedings between the parties are pending within another jurisdiction, consolidation at one forum avoids multiplicity and ensures effective adjudication.



6. In the case on hand, the materials placed show that the petitioner is residing at Kancheepuram and asserts absence of independent income and difficulty in travel. Further, it is brought to the notice of this Court that maintenance proceedings are pending at Kancheepuram. In such circumstances, the convenience of the petitioner, coupled with the need to avoid parallel proceedings at different places, weighs in favour of transfer.

7. The objection regarding custody of children, though noted, cannot by itself outweigh the above factors. The respondent can prosecute/defend the matters before the transferee Court, and the transferee Court is always at liberty to regulate appearance and adopt permissible modes to minimise inconvenience, consistent with law. For the aforesaid reasons, the Transfer Civil Miscellaneous Petition deserves to be allowed.

8. Accordingly, Tr.C.M.P. No.965 of 2025 is allowed. H.M.O.P. No.643 of 2024 on the file of the Subordinate Judge, Poonamallee, is withdrawn and transferred to the file of the Principal Subordinate Judge, Kancheepuram. The Subordinate Judge, Poonamallee, shall transmit the entire records to the Principal Subordinate Judge, Kancheepuram, within three (3) weeks from



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the date of receipt of this order and the Principal Subordinate Judge, Kancheepuram, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. C.M.P. No.21774 of 2025 is closed. There shall be no order as to costs.

30.01.2026

mfa

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. Subordinate Judge, Poonamallee
2. Principal Subordinate Judge, Kancheepuram



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DR. A.D. MARIA CLETE, J

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and
C.M.P. No.21774 of 2025**

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