



Tr.C.M.P.No.1014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.1014 of 2024

and

C.M.P.No.22196 of 2024

P.Ezhilarasi,
W/o.Mr.D.Pushpakaran,
No.5, Nainan Street,
Pasumpon Nagar, Pammal,
Chennai – 600075.

... Petitioner

Vs.

Mr.D.Pushpakaran,
S/o.Mr.Duraisamy,
B-10, Pupil lane,
Block – 13, Neyveli Township,
Neyveli, Cuddalore District – 607803.

... Respondent

PRAYER in Tr.C.M.P.:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C.,to withdraw the petition in H.M.O.P.No.104 of 2024 pending on the file of the Sub-Court at Virudhachalam, Cuddalore District and transfer to Sub-Court at Alandur, Chengalpattu District and thus render justice.



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PRAYER in C.M.P. : Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay all further proceedings in H.M.O.P.No.104 of 2024 before the Sub Court at Virudhachalam, Cuddalore District pending disposal of the above Transfer CMP and thus render justice.

For Petitioner : Mr.S.Vijayakumar.

For respondent : Mr.R.Karthikeyan.

O R D E R

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking transfer of H.M.O.P. No.104 of 2024 from the file of the Sub Court, Virudhachalam, Cuddalore District to the file of the Sub Court, Alandur, Chengalpattu District.

3. The petitioner/wife states that the marriage between the parties was solemnized on 08.11.1987 at Kolanjiappar Temple, Virudhachalam, Cuddalore District and they are blessed with three girl children and all of them have attained majority and they got married and living separately along with their respective families. The respondent/husband has filed the divorce proceedings in H.M.O.P.No.104 of 2024 before the Sub Court, Virudhachalam.

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4. The petitioner would submit that she is residing in Chennai and that the travel from Chennai to Virudhachalam is difficult for her and that she has to travel alone with safety concerns, making it extremely difficult to attend the proceedings at Virudhachalam.

5. The petitioner also states that the respondent is now retired from his job and he is coming to Chennai weekly once from his native place to see his children and that no prejudice would be caused to the respondent.

6. It is well settled that in matrimonial proceedings, while considering transfer, the convenience of the wife is placed in a disadvantageous position to travel and contest, deserves primacy, unless overriding circumstances are shown by the opposite party. In the case on hand, the materials placed show substantial hardship to the petitioner in travelling from Chennai to Virudhachalam repeatedly for hearing/mediation. Hence, this Court is inclined to allow the transfer petition.

7. Accordingly, Tr.C.M.P. No.1014 of 2024 is allowed.
H.M.O.P. No.104 of 2024 on the file of the Sub Court, Virudhachalam, Cuddalore



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District, is withdrawn and transferred to the file of the Sub Court, Alandur, Chengalpattu District. The Sub Court, Virudhachalam, Cuddalore District, shall transmit the entire records to the Sub Court, Alandur, Chengalpattu District, within three (3) weeks from the date of receipt of this order and the Sub Court, Alandur, Chengalpattu District shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Consequently, connected C.M.P. No.22196 of 2024 is closed. There shall be no order as to costs.

19.01.2026

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Sub Court,
Virudhachalam,
Cuddalore District.

2.The Sub Court,
Alandur,
Chengalpattu District.

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DR. A.D. MARIA CLETE, J

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Dated: 19.01.2026