



WEB COPY

TR CMP No. 948 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE DR. JUSTICE A.D.MARIA CLETE

TR CMP No. 948 of 2025

AND

CMP NO. 21503 OF 2025

Thilagavathy

..Petitioner(s)

Vs

Sabarirajan

..Respondent(s)

Prayer: This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer of the HMOP No.114 of 2024 from the Honble Court Sub Judge, Neyveli at Cuddalore District, to Honble Court Sub Court at Kanchipuram.

For Petitioner(s): Mr.E.Angayarkanni

For Respondent(s): No Appearance

ORDER

Heard.

2. The present Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P. No.114 of 2024, pending on the file of the Sub Court, Neyveli at Cuddalore District and transfer the same to Sub Court, Kanchipuram.



3. The marriage between the petitioner and the respondent was solemnized on 25.03.2016 according to Hindu rites and customs and out the wedlock one female child was born on 14.10.2016. The respondent/husband has instituted the above H.M.O.P.No.114 of 2024 seeking divorce.

4. The case of the petitioner is that after marriage, due to matrimonial discord, she is residing separately at Kundrathur. It is further stated that she has to take care of her girl child and cannot undertake repeated travel with child.

5. The petitioner has specifically pleaded that the petitioner has no independent source of income and cannot afford the recurring travel. It is further stated that travelling from Kundrathur to Neyveli, Cuddalore for every hearing causes extreme physical and mental hardship.

6. There is no representation on behalf of the respondent.

7. It is a well-settled proposition of law that in matrimonial proceedings, convenience of the wife deserves paramount consideration, particularly when she is residing at a different place and cannot undertake repeated travel with child. The Hon'ble Supreme Court and this Court have consistently held that such transfers are warranted to ensure effective access to justice and to avoid undue hardship to the wife.



8. In the present case, considering the residence of the petitioner at Kundrathur, and the fact that the proceedings are in the stage of counter, this Court is of the considered view that no serious prejudice would be caused to the respondent if the matter is transferred. On the other hand, refusal to transfer would result in grave hardship to the petitioner. Therefore, this Court finds sufficient cause to allow the Transfer Civil Miscellaneous Petition.

9. Accordingly, Tr.C.M.P. No.948 of 2025 is allowed. H.M.O.P. No.114 of 2024 on the file of the Sub Court, Neyveli, Cuddalore, is withdrawn and transferred to the file of the Sub Court, Kanchipuram. The Sub Court, Neyveli, Cuddalore, shall transmit the entire records to the Sub Court, Kanchipuram, within a period of three (3) weeks from the date of receipt of a copy of this order and the Sub Court, Kanchipuram, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Consequently, C.M.P. No.21503 of 2025 is closed. There shall be no order as to costs.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DPQ



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To

1. The Sub Court, Neiveli.
2. The Sub Court, Kanchipuram.

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DR.A.D.MARIA CLETE J.

DPQ

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