



WEB COPY

TR CMP No. 1072 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

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THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 1072 of 2025
and CMP No.24118 of 2025

M. Jayapriya

..Petitioner(s)

Vs,

C. Sriraman

..Respondent(s)

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw H.M.O.P.No.989 of 2025 from the file of the IV Additional Family Court, Chennai, and transfer the same to the Sub Court, Chidambaram, for disposal.

For Petitioner(s): Mr.T.I.Ramanathan

For Respondent(s): Mr.Arivazhagan

ORDER

Heard learned counsel for the petitioner / wife and learned counsel for the respondent / husband.

2.The respondent / wife in H.M.O.P.No.989 of 2025 on the file of IV Additional Principal Family Court, Chennai, is the petitioner herein. The petitioner / wife would aver that she has been residing with her parents at Chidambaram and she is dependent upon her parents for her ordinary expenses. She would also aver that she has got 2 ½ year old child and she



finds it difficult to travel from Chidambaram to Chennai to appear before the Court for all the hearings.

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3.Learned counsel for the petitioner would reiterate the aforesaid details and would submit that petitioner / wife finds it difficult to travel from Chidambaram to Chennai for all the hearings and requests this Court to order transfer of the case to Sub Court, Chidambram.

4.Learned counsel for the respondent would vehemently contend that the convenience of the wife shall not be taken in the matters of transfers of H.M.O.P and to support his contention, reliance is placed upon Ekta Vaish V.Deepak Kuchbandiya in Miscellaneous Civil Case No.478 of 2026 dated 18.02.2026, wherein the High Court of Madhya Pradesh at Jabalpur has observed that the presence of parties are required in matrimonial cases only at the stage of conciliation and the evidence. The rest of the proceedings can be attended by their counsel.

5. The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled by the Hon'ble Supreme Court in the following cases:-

“i. In AIR 2000 SC 3512 (1) (Mona Aresh Goel vs. Aresh Satya Goel), when the wife pleaded that she was unable to bear the travelling expenses and even to travel alone and stay at Bombay, the Supreme Court ordered transfer of proceedings.



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ii. In 2000 (10) SCC 304 (Geeta Heera Vs. Harish Chander Heera), the Hon'ble Supreme Court has held that where the petitioner's wife has pleaded lack of money, the same has to be considered.

iii. In Lalita A. Ranga Vs. Ajay Champalal Ranja reported in (2009) 9 SCC 355 , wherein the wife, who was having small child and she was finding it difficult to travel from Jaipur to Bombay, and the Hon'ble Apex Court accepting her request ordered the transfer petition in favour of the wife transferring the transfer petition from Family Court at Bandra in Mumbai to the Family Court at Jaipur."

6. In consideration of the above said details, the request of the petitioner / wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.M.O.P.No.989 of 2025 pending on the file of the IV Additional Family Court, Chennai, is withdrawn and transferred to the file of the Sub Court, Chidambaram. The Sub Court, Chidambaram, on receipt of the records to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, the connected C.M.P.No.24118 of 2025 is closed.

02-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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R.KALAIMATHI, J.

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To.

1.The IV Additional Family Court
Chennai

2.The Sub Court
Chidambaram

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and CMP No.24118 of 2025

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