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Tr.C.M.P.No.1143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.1143 of 2024

and

C.M.P.No.25067 of 2024

C.Karthic

... Petitioner

Vs

Nalini

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw HMOP No.723 of 2024 pending on the file of the VII Additional Family Court, Chennai and transfer the same to the Sub Court at Poonamalee.

PRAYER in C.M.P:

To stay all further proceedings in HMOP No.723 of 2024 pending on the file of the VII Additional Family Court, Chennai.

For Petitioner : Mr.S.Yudhish Padman

For Respondent : Mr.T.N.C.Kaushik



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ORDER

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2. The present Transfer Civil Miscellaneous Petition is filed by the petitioner/husband seeking withdrawal of H.M.O.P. No.723 of 2024 from the file of the VII Additional Family Court, Chennai, and transfer of the same to the file of the Sub Court, Poonamallee.

3. It is seen from the records that the respondent/wife has filed the said H.M.O.P. seeking dissolution of marriage on the ground of cruelty under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 and the matter is pending at the stage of filing of counter, after counselling.

4. The case of the petitioner/husband is that he is presently employed and residing at Bengaluru and, since appearance of parties is insisted in the Family Court proceedings, he is compelled to travel for each hearing, incur substantial expenditure, and take leave from employment for attending the Court.



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5. The petitioner would further state that the respondent/wife is residing at Valasaravakkam, Chennai along with their daughter; and that the place of residence of the respondent falls within the jurisdiction of the Sub Court, Poonamallee, and that transfer would cause no prejudice to the respondent and would only subserve convenience and reduce avoidable adjournments.

6. When the matter was taken up for hearing on 18.12.2025, it is stated that wife is not residing at Valasaravakkam, only at Nungambakkam and hence, the matter was adjourned today i.e., on 08.01.2026 for clarification. Today, when the matter is taken up for hearing, the learned counsel for the respondent/wife clarified that the wife is residing at Valasaravakkam.

7. This Court has considered the pleadings and the circumstances placed. The power under Section 24 C.P.C. is to be exercised to meet the ends of justice and to ensure that the lis is adjudicated without avoidable hardship to either side. In matrimonial matters, the convenience of parties, the practical difficulty in attending hearings, and the stage of the proceedings are relevant considerations.



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8. In the case on hand, the proceedings are not at an advanced stage; the petitioner is stated to be residing at Bengaluru; the respondent is stated to be residing at a place which would be conveniently approachable to the transferee Court at Poonamallee; and no serious prejudice is shown to be caused to the respondent by such transfer. In such view of the matter, this Court is of the considered opinion that transfer as prayed for would advance the ends of justice.

9. Accordingly, Tr.C.M.P. No.1143 of 2024 is allowed. H.M.O.P. No.723 of 2024 on the file of the VII Additional Family Court, Chennai, is withdrawn and transferred to the file of the Hon'ble Sub Court, Poonamallee. The VII Additional Family Court, Chennai, shall transmit the entire records to the Hon'ble Sub Court, Poonamallee, within three (3) weeks from the date of receipt of this order and the Hon'ble Sub Court, Poonamallee 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 08.11.2024 shall stand vacated and C.M.P. No.25067 of 2024 is closed. There shall be no order as to costs.

08.01.2026

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To

1. The Judge, VII Additional Family Court, Chennai.
2. The Judge, Sub Court at Poonamalee.



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DR. A.D. MARIA CLETE, J

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and
C.M.P.No.25067 of 2024**

08.01.2026