



WEB COPY



Tr.C.M.P.No.58 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 23.01.2026**

**CORAM:**

**THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

**Tr.C.M.P. No.58 of 2024**

**and**

**C.M.P. No.1367 of 2024**

Thenmozhi

... Petitioner

Versus

S. Kalaiselvan

... Respondent

**Prayer in Tr.C.M.P. No.58 of 2024:**

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P. No.98 of 2023 on the file of the Sub Court, Mettur, and transfer the same to the Family Court, Salem.

**Prayer in C.M.P. No.1367 of 2024:**

Civil Miscellaneous Petition filed to stay all further proceedings in H.M.O.P. No.98 of 2023 on the file of the Sub Court, Mettur, pending disposal of the Transfer Civil Miscellaneous Petition.

For Petitioner :Mr.Charles Kamalesh M.Appaji

For Respondent : No appearance



Tr.C.M.P.No.58 of 2024

## ORDER

1. Heard .

2. The petitioner is the wife of the respondent. The petitioner would submit that she is a resident of Salem and the minor child is residing with the petitioner. The respondent has filed H.M.O.P. No.98 of 2023 on the file of the Sub Court, Mettur. The present petition is filed seeking withdrawal of the said H.M.O.P. and transfer of the same to the Family Court, Salem.

3. In the case on hand, the petitioner being a resident of Salem and the child being in her custody, compelling her to travel to Mettur for every hearing would cause avoidable hardship. No contra is placed before this Court, as none appeared for the respondent.

4. This Court has considered the materials placed. The power under Section 24 of C.P.C. is to be exercised to advance the ends of justice. In matrimonial transfer petitions, the convenience of the wife and the welfare/attendance of the child who is in her custody are relevant considerations. For the above reasons, the Transfer Civil Miscellaneous Petition deserves to be allowed.



Tr.C.M.P.No.58 of 2024

5. Accordingly, Tr.C.M.P. No.58 of 2024 is allowed. H.M.O.P. No.98 of 2023

on the file of the Sub Court, Mettur, is withdrawn and transferred to the file of the Family Court, Salem. The Sub Court, Mettur, shall transmit the entire records to the Family Court, Salem, within three (3) weeks from the date of receipt of this order and the Family Court, Salem shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. and C.M.P. No.1367 of 2024 is closed. There shall be no order as to costs.

**23.01.2026**

*mfa*

To

1. Sub Court, Mettur
2. Family Court, Salem

3/4



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*Tr.C.M.P.No.58 of 2024*

**DR. A.D. MARIA CLETE, J**

*mfa*

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and  
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**23.01.2026**