



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. 1167 of 2024
and CMP.No.25479 of 2024**

Alagu Manjula

..Petitioner(s)

Vs

P. Kartheeswaran

..Respondent(s)

Prayer: This Transfer Civil Miscellaneous Petition is filed seeking to direct withdrawal of HMOP No.176 of 2024 on the file of Subordinate Court, Sivakasi and transfer the same to Subordinate Court Pollachi.

For Petitioner(s): Mr.K.Venkateswaran

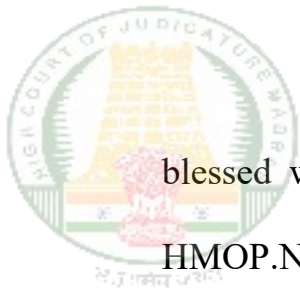
For Respondent(s): Mr.P.Katheeswaran- NA

ORDER

Heard.

2. The present Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of HMOP.No.176 of 2024, pending on the file of the Subordinate Court, Sivakasi and transfer the same to Subordinate Court, Pollachi.

3. The marriage between the petitioner and the respondent was solemnized on 06.11.2016 as per Hindu rites and customs and out the wedlock they are



blessed with two children. The respondent/husband has instituted the above HMOP.No.176 of 2024 seeking divorce.

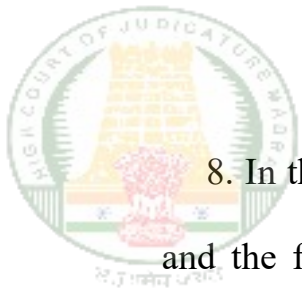
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4. The case of the petitioner is that after marriage, due to matrimonial discord, the petitioner was driven out the matrimonial home and she is residing along with her parent at Pollachi. It is further stated that she has to take care of her children and cannot undertake repeated travel with child.

5. The petitioner has specifically pleaded that she has to travel about 250 kilometres from Pollachi to Sivakasi to attend the Court proceedings, which is causing undue hardship. It is further stated that she has no independent source of income and cannot afford the recurring travel and incidental expenses.

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 children. 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 Pollachi, and the fact that the proceedings are in the initial stage, 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.1167 of 2024 is allowed. HMOP.No.176 of 2024 on the file of the Subordinate Court, Sivakasi is withdrawn and transferred to the file of the Subordinate Court, Pollachi. The Subordinate court, Sivakasi, shall transmit the entire records to the Subordinate Court, Pollachi, within a period of three (3) weeks from the date of receipt of a copy of this order and the Subordinate Court, Pollachi, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this court 14.11.2024 shall stand vacated. Consequently, C.M.P. No.25479 of 2024 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



TR CMP No. 1167 of 2



To

1. The Subordinate Court, Sivakasi.
2. The Subordinate Court, Pollachi.

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DR.A.D.MARIA CLETE, J.

DPQ

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