



WEB COPY

TR CMP No. 1179 of 2
and CMP.No.25839 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

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

**TR CMP No. 1179 of 2024
and CMP.No.25839 of 2024**

Sivagami

..Petitioner(s)

Vs

Sivakumar

..Respondent(s)

Prayer: This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the OP No. 363 of 2024 on the file of the Honble Principal Sub Court at Ambattur and transfer the case to the Honble Family Court at Chennai.
(Prayer has been amended by order dated 27.02.2026 passed by this Court In CMP.No.4619 of 2026)

For Petitioner(s): M/s.Thenmozhi Shivaperumal

For Respondent(s): Mr.Sivakumar, NA

ORDER

Heard.

2. The present Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of HMOP. No.363 of 2024, pending on the file of the Principal Sub Court, Ambattur and transfer the same to the Family Court, Chennai.



3. The marriage between the petitioner and the respondent was solemnized on 05.03.2010 according to Hindu rites and customs and out the wedlock they are blessed with male child. The respondent/husband has instituted the above H.M.O.P.No363 of 2024 seeking dissolution of marriage.

4. The case of the petitioner is that after marriage, due to matrimonial discord, she was allegedly driven out of the matrimonial home and now she is residing separately at Chennai. It is further stated that she has to take care of her minor child and cannot undertake repeated travel with them.

5. The petitioner has specifically pleaded that the petitioner cannot afford the recurring travel and travelling from Tiruvettiyur to Ambattur 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 the 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.

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8. In the present case, considering the residence of the petitioner at Tiruvettiyur, and the fact that the proceedings are at 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.1179 of 2024 is allowed. H.M.O.P.No.363 of 202 on the file of the Sub Court, Ambattur, is withdrawn and transferred to the file of the Principal Family Court, Chennai. The Sub Court, Ambattur, shall transmit the entire records to the Principal Family Court, Chennai, within a period of three (3) weeks from the date of receipt of a copy of this order and the Family Court, Chennai, 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.25839 of 2024 is closed. There shall be no order as to costs.

27-02-2026
(2/2)

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



To

1. The Sub Court, Ambattur.
2. The Principal Family Court, Chennai.

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DR.A.D.MARIA CLETE, J.

JAI

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**27-02-2026
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