



WEB COPY

TR CMP No. 1211 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

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

TR CMP No. 1211 of 2024

and

CMP No.26438 of 2024

1. Selvi
W/o. P. Kannan, No.75, Middle Street,
Anaimadu, Ellanpatti Post, Sankarapuram
Taluk, Kallakurichi District.
2. Minor. K. Yaswin
Rep by her mother Mrs. Selvi the 1st Petitioner,
No.75, Middle Street, Anaimadu, Ellanpatti
Post, Sankarapuram Taluk, Kallakurichi
District.

..Petitioner(s)

Vs

P.Kannan
S/o. Periya Sami, No.34A, Palar Street, Thirumalai
Samuthirum, Pethanaiyakkanpalayam, Aathur,
Salem Dt.

..Respondent(s)

PRAYER IN TRCMP To withdraw and transfer the MC No.9 of 2019
pending before the court of the Judicial Magistrate, Sankarapuram, Kallakurichi
District to Family Court, Chennai.

PRAYER IN CMP To stay all further proceedings in the maintenance case
No.9 of 2019 on the file of the Judicial Magistrate, Sankarapuram, Kallakurichi
District.

For Petitioner(s): M/s.R.Abirami

For Respondent(s): M/s.R.Gururaj



ORDER

1. Heard.
2. This Transfer Civil Miscellaneous Petition is filed under Section 24 CPC seeking withdrawal of M.C. No.9 of 2019 pending on the file of the Judicial Magistrate, Sankarapuram, Kallakurichi District, and transfer of the same to the Family Court, Chennai.
3. The marriage between the petitioner and the respondent was solemnized on 23rd January 2015 at the Arulmighu Devi Palliamman Temple, Villivakam, Chennai, as per Hindu rites and customs. Out of their wedlock, made child was born.
4. The case of the petitioner is that the petitioner wife filed M.C.No.9 of 2019 before the Judicial Magistrate Court, Sankarapuram, Kallakurichi District. The petitioner is residing at Chennai and has to travel about 245 Kms for every hearing, which is causing undue hardship. The petitioner met with an accident on 25.01.2024 and she is not in a position to travel. Further the petitioner is the sole caregiver for the minor child.



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5. In transfer petitions arising out of matrimonial proceedings, the convenience of the wife ordinarily deserves primacy. The petitioner has made a case of genuine hardship warranting transfer to enable effective participation in the proceeding.
6. Having considered the submissions and the nature of the proceedings, and since the prayer is only to transfer the pending M.C. to the Family Court, this Court is of the view that the transfer sought can be ordered.
7. In the result, Tr.C.M.P. No.1211 of 2024 is allowed. M.C.No.9 of 2019 on the file of the Judicial Magistrate, Sankarapuram is withdrawn and transferred to the Family Court, Chennai. The Judicial Magistrate, Sankarapuram shall transmit the entire records in M.C. No.9 of 2019 to the file of the Family Court, Chennai, within three weeks from the date of receipt of 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. There shall be no order as to costs. Interim stay granted by this Court on 21.11.2024 shall stand vacated. Consequently, C.M.P. No.26438 of 2024 is closed.

24-02-2026

Index: Yes/No

Speaking/Non-speaking order

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WEB COPY

TR CMP No. 1211 of 2



To

1. Judicial Magistrate, Sankarapuram, Kallakurichi District
2. Family Court, Chennai.



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DR.A.D.MARIA CLETE, J.

MFA

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