



WEB COPY

TR CMP No. 1267 of 2



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. 1267 of 2024

AND

CMP NO. 27484 OF 2024

Devasuvi

W/o. Surendar, D/o. Thirumalai, Near Indian Bank,
Harur Post and Taluk, Dharmapuri District.

..Petitioner(s)

Vs

R.Surendar

S/o. D.Rajendiran No. 193/33, Branline,
Tirupathur Town, Tirupathur District.

..Respondent(s)

PRAYER IN TR CMP No. 1267 of 2024

To withdraw the HMOP No. 185 of 2024 from the file of the Honble Sub Court, Tirupathur and transfer the same to the Honble Sub Court, Harur, Dharmapuri District.

PRAYER IN CMP No. 27484 of 2024

To pass an order of ad interim stay of the proceedings in HMOP No. 185 of 2024 from the file of the Honble Sub Court, Tirupathur pending disposal of the above Tr.CMP.

For Petitioner(s):

J.Pradeep

For Respondent(s):

No appearance.

Order

Heard.

2. This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife under Section 24 of the Code of Civil Procedure seeking



withdrawal of H.M.O.P. No.185 of 2024 pending on the file of the Sub Court, Tirupathur and transfer of the same to the file of the Sub Court, Harur, Dharmapuri District.

3. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 06.06.2019 and out of the wed lock, a male child was born. Thereafter, due to matrimonial disputes, differences arose and the respondent has deserted her and presently, the petitioner is residing in Dharmapuri along with her parents. The respondent has filed H.M.O.P. No.185 of 2024 before the Sub Court, Tirupathur seeking for dissolution of marriage.

4. The learned counsel for the petitioner submits that the distance between the petitioner's residence and Tirupathur is about 140 kms and the petitioner is living with her aged parents and is taking care of the minor child along with financial hardships and thus, she cannot travel and submits that the petitioner has also filed O.P. before the Sub Court, Harur, seeking restitution of conjugal rights and maintenance case and further submits that no prejudice will be caused to the respondent, if the case is transferred to Harur.

5. Having considered the submissions, this Court is of the view that, in a petition for transfer filed by the wife, the convenience of the wife ordinarily deserves primacy. In the facts placed, it is seen that the child is along with the



petitioner and the petitioner is residing in Dharmapuri and the proceedings sought to be transferred are pending at Tirupathur. Therefore, this Court is inclined to allow the transfer sought for.

6. Accordingly, Tr.C.M.P. No.1267 of 2024 is allowed and H.M.O.P. No.185 of 2024 pending on the file of the Sub Court, Tirupathur is withdrawn and transferred to the file of the Sub Court, Harur, Dharmapuri District. The Sub Court, Tirupathur is directed to transmit the entire records within a period of three weeks to the Sub Court, Harur, Dharmapuri District. On receipt of the records, the Sub Court, Harur, Dharmapuri District shall dispose of the case in accordance with law as expeditiously as possible, uninfluenced by any of the observations made in this order. In view of the above, the interim order of stay granted shall stand vacated and C.M.P. No.27484 of 2024 is closed. No costs.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DPQ

To

1.The Sub Court, Tirupathur

2.The Sub Court, Harur, Dharmapuri District



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DR.A.D.MARIA CLETE J.

DPQ

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