



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 1265 of 2024
and CMP No.27441 of 2024

Nithya
W/o.Selvakumar

..Petitioner(s)

Vs

1. Selvakumar
S/o.Late Muthusamy
2. Selvakumar
S/o.Rasu

..Respondent(s)

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C. seeking to withdraw the HMOP No.96/2024 pending on the file of the Additional Sub Court, Thiruchengode, Namakkal District and transfer the same to the Family court, Erode.

For Petitioner(s): Mr.G.Pavendhan

For Respondent(s): No Appearance

ORDER

Heard learned counsel for the petitioner.

2. The petitioner, who is the respondent / wife in H.M.O.P.No.96 of 2024 on the file of Additional Sub-Court, Thiruchengode, Namakkal District, has filed this Transfer Civil Miscellaneous Petition seeking to transfer the said H.M.O.P.No.96 of 2024, to the Family Court at Erode by stating that she is not in a position to travel to Thiruchengode (Namakkal District) from Erode.



3. The petitioner / wife would aver that she is residing at Kollampalayam, Railway Colony, Erode. She has taken out a maintenance petition in M.C.No.24 of 2024, which is pending before the Family Court, Erode. She would also aver that she has got one boy child and she finds it difficult to travel very often to Thiruchengode, Namakkal.

4. Despite the notice to respondents 1 and 2 and their names having been printed in the Cause List, they neither appeared before this Court nor entered appearance through their counsel.

5. The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled by the Hon'ble Supreme Court in the following cases:-

“i. In AIR 2000 SC 3512 (1) (Mona Aresh Goel vs. Aresh Satya Goel), when the wife pleaded that she was unable to bear the travelling expenses and even to travel alone and stay at Bombay, the Supreme Court ordered transfer of proceedings.

ii. In 2000 (10) SCC 304 (Geeta Heera Vs. Harish Chander Heera), the Hon'ble Supreme Court has held that where the petitioner's wife has pleaded lack of money, the same has to be considered.



iii. In Lalita A. Ranga Vs. Ajay Champalal Ranja reported in (2009) 9 SCC 355 , wherein the wife, who was having small child and she was finding it difficult to travel from Jaipur to Bombay, and the Hon'ble Apex Court accepting her request ordered the transfer petition in favour of the wife transferring the transfer petition from Family Court at Bandra in Mumbai to the Family Court at Jaipur.”

6. In consideration of the above said details, the request of the petitioner / wife appears to be based on justifiable cause, and accordingly, this Transfer Civil Miscellaneous Petition stands ordered. Sequel to this, H.M.O.P.No.96 of 2024, pending on the file of the Additional Sub Court at Thiruchengode, Namakkal District, is hereby withdrawn and the same is transferred to the file of the Family Court at Erode. The Family Court, Erode, on receipt of the records, to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, the connected C.M.P.No.27441 of 2024 is closed.

24-03-2026

Index : Yes / No
Speaking / Non Speaking order
Neutral Citation : Yes / No

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To.

1.The Additional Sub Court
Thiruchengode
Namakkal District

2.The Family Court
Erode

TR CMP No. 1265 of 2



R.KALAIMATHI, J.

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