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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

TR CMP No. 1019 of 2026
and
CMP NO. 27393 of 2026

Sangeetha
W/o. M. Mahesh,
1/450-73.Vaishnavi Garden,
Ranga Nagar,
Chinneripalayam,
Avinashi Taluk,
Tiruppur Dt.

Now residing at
No.10/27, Kamber Street,
Devanesan Nagar,
Perungalathur, Chennai 600 063.

..Petitioner

Vs

M.Mahesh
S/o. Murugesan,
D.No.133, Ambedkar Cross Street,
Thavittupalayam,
Anthiyur Taluk,
Erode District 638 501

..Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, seeking to withdraw the OP No.200/2023 pending before the Hon'ble Subordinate Court, Bhavani and transfer the same to the Hon'ble Sub Ordinate Court, Tamabaram or any other court of competent jurisdiction.

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For Petitioners: Mr. K.Muthuraman

For Respondent: Mr.C.Prakasam

Order

The Transfer Civil Miscellaneous Petition has been filed seeking to transfer OP No.200/2023 pending on the file of Subordinate Court, Bhavani to the file of the Sub Ordinate Court, Tamabaram.

2. The petitioner and the respondent got married on 05.09.2016, as per Hindu rites and customs. Out of the wedlock, a female child was born. Owing to matrimonial disputes, the couple have been residing separately. Thereafter, the respondent filed H.M.O.P. No.59 of 2021 before the Sub Court, Bhavani, seeking restitution of conjugal rights. The petitioner filed Tr.C.M.P. No.785 of 2022 seeking transfer of the said proceedings. This Court, by order dated 20.12.2022, transferred the same to the Sub Court, Avinashi, where it was renumbered as H.M.O.P. No.45 of 2023. Subsequently, on 19.06.2023, the respondent withdrew the said petition as not pressed and thereafter filed a fresh petition in O.P. No.200 of 2023 before the Sub Court, Bhavani, seeking dissolution of marriage.

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3. The petitioner, in her affidavit, has stated that she relocated to Perungulathur for employment and is presently residing in a rented house at Perungulathur, Tambaram. She has further stated that she is solely responsible for meeting the entire expenses towards the maintenance of her minor daughter, who is now aged 8 years and that since her job requires her physical presence on a regular basis, she is finding it difficult to travel all the way from Tambaram to Bhavani to contest the matrimonial proceedings initiated by the respondent. Hence, she was constrained to file the present petition seeking transfer of the proceedings.

4. The respondent has filed a counter stating that the he has no objection for transferring the divorce case to the Family Court, Chennai.

5. Heard both sides and perused the materials placed on record.

6. The petitioner has specifically stated that, in order to maintain her minor daughter, she has relocated to Perungulathur, Tambaram. She has further stated that she is presently residing in a rented house there and has also admitted her daughter in a local school.

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7. In matrimonial disputes, the convenience of the wife takes precedence over that of the husband. Since the petitioner is residing and employed at Chennai and would be required to travel a considerable distance of approximately 900 kilometres (up and down) from Chennai to Bhavani to attend the matrimonial proceedings, this Court is of the view that the balance of convenience is in favour of the petitioner. Further, even as stated in the counter affidavit filed by the respondent, he is also residing at Chennai. Hence, no prejudice would be caused to the respondent if the matrimonial proceedings are transferred to Sub Court, Tambaram.

8. Accordingly the Transfer Civil Miscellaneous Petition is allowed. No costs. OP No.200/2023 is withdrawn from the file of Subordinate Court, Bhavani, and transferred to the file of the Sub Ordinate Court, Tamabaram. Consequently, the connected miscellaneous petition is closed.

18-11-2026

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

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To

1. The Sub Judge, Subordinate Court, Bhavani.
2. The Sub Judge, Sub Ordinate Court, Tamabaram.

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N.MALA J.

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