



WEB COPY

Tr.CMP No.1055



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1055 of 2025

and

CMP No.23859 of 2025

R.Sheeba

...Petitioner(s)

Vs

M.Malarvannan

...Respondent(s)

Prayer in Tr.CMP No.1055 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleased to withdraw H.M.O.P.No.500 of 2020 pending on the file of the Hon'ble Family Court at Madurai be transferred to the Hon'ble Sub Court, Ambattur.

(Amended vide court order dated 23/01/2026 made in CMP No.32388 of 2025 in Tr.CMP No.1055 of 2025)

Prayer in CMP No.23859 of 2025: Petition filed under Section 151 of Code of Civil Procedure, pleased to stay all further proceedings in H.M.O.P.No. 500 of 2020 pending on the file of the Hon'ble Family Court at Madurai, pending of the above Transfer Original Petition.

For Petitioner(s) : Mr.P.Thamizh Vendan

For Respondent(s) : No appearance



ORDER

1. Heard.
2. This Transfer Civil Miscellaneous Petition is filed by the wife seeking withdrawal of H.M.O.P.No.500 of 2020 from the file of the Hon'ble Family Court, Madurai and transfer of the same to the Hon'ble Sub Court, Ambattur.
3. The learned counsel for the respondent submits that originally the petitioner sought transfer to a Court at Chennai and later sought amendment for transfer to the Hon'ble Sub Court, Ambattur. The only objection raised by the respondent is that the transfer petition has been filed belatedly, particularly when the H.M.O.P. is of the year 2020.
4. Per contra, the learned counsel for the petitioner submits that the minor child is now studying 10th Standard, and it has become increasingly difficult for the petitioner to undertake travel from the place of residence to Madurai for every hearing, and therefore the transfer is necessitated on account of subsequent developments and hardship.
5. This Court has considered the rival submissions. Mere delay by itself cannot be a ground to non-suit a transfer petition in matrimonial proceedings, if the Court is otherwise satisfied that the ends of justice warrant transfer. In the present case, the circumstance relating to the child's current educational stage and the practical difficulty in undertaking long-distance travel to Madurai is a relevant factor. The inconvenience pleaded by the petitioner



outweighs the objection on belatedness. Hence, transfer is ordered.

6. C.M.P.No.32388 of 2025 is allowed and amendment is ordered.

Accordingly, the prayer in Tr.C.M.P. No.1055 of 2025 shall stand amended as follows:“to withdraw H.M.O.P.No.500 of 2020, pending on the file of the Hon’ble Family Court, Madurai, and transfer the same to the file of the Hon’ble Sub Court, Ambattur.”

7. Accordingly, Tr.C.M.P. No.1055 of 2025 is allowed. H.M.O.P. No.500 of 2020 on the file of the Hon’ble Family Court, Madurai, is withdrawn and transferred to the file of the Hon’ble Sub Court, Ambattur. The Hon’ble Family Court, Madurai, shall transmit the entire records to the Hon’ble Sub Court, Ambattur, within three (3) weeks from the date of receipt of this order and the Hon’ble Sub Court, Ambattur shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. C.M.P. No.23859 of 2025 is closed. There shall be no order as to costs.

23.01.2026
(2/2)

Index:Yes/No
Internet:Yes
dsn



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DR. A.D.MARIA CLETE

dsn

To

1. The Family Court, Madurai.
2. The Sub Court, Ambattur.

TR CMP No. 1055 of 2025
and CMP No.23859 of 2025

23.01.2026
(2/2)