



WEB COPY

TR CMP No. 1084 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

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

TR CMP No. 1084 of 2025

and

CMP NO. 24289 of 2025

S.Sowndarya

..Petitioner

Vs

S.Elavarasan

..Respondent

Prayer in TR CMP No. 1084 of 2025: Petition filed under section 24 of CPC to withdraw and transfer HMOP No.23/2004 on the file of the III Additional Sub-ordinate Court, Salem and to transfer the file of the Family Court , Namakkal.

Prayer in CMP No. 24289 of 2025: Petition to grant stay all further proceedings in the HMOP No.23/2024 on the file of the III Additional Subordinate Judge, Salem pending disposal of the above Transfer petition.

For Petitioner: Mr.G.K.Premkumar

For Respondent: Mr.A.Lakshminarasimhan



Order

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking withdrawal of HMOP No.23/2004 from the file of the III Additional Sub -ordinate Court, Salem and to transfer the same to the file of the Family Court, Namakkal.

3. The petitioner is the wife. The respondent is the husband. The marriage between the parties was solemnized on 04.11.2022 at Sri Thandthonreeswarar Thirukovil, Belur, Valappady Taluk, Salem District as per Hindu rites and rituals. It is stated that there are no children out of their wedlock.

4. The petitioner/wife filed a maintenance petition in M.C. No. 27 of 2025 before the Family Court, Namakkal. Further, the petitioner has also filed DVC No.21 of 2025 before the Additional Mahila Court, Namakkal on the grounds of cruelty. The respondent husband filed H.M.O.P. No. 23 of 2024 seeking dissolution of marriage on the file of the III Additional Subordinate



Court, Salem.

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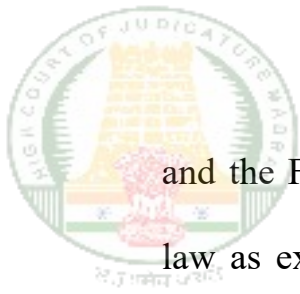


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5. It is the case of the petitioner/wife is that she is residing at Namakkal along with widowed mother. She has no proper earnings to meet out travel expenses. It is extremely difficult for her to travel long distance from Namakkal to Salem for every hearing particularly, when she cannot travel alone and her widowed mother is unable to accompany her owing to age and further the travel expenditure would cause hardship.

6. In matrimonial proceedings, the convenience of the wife and the pendency of the connected proceedings at the place where the wife resides are relevant considerations while exercising power under Section 24 C.P.C. In the present case, the petitioner is stated to be residing at Namakkal and the petitions filed by the petitioner are pending at Namakkal. Having regard to the difficulty pleaded by the petitioner, this Court is of the view that the ends of justice would be met by allowing this transfer petition.

7. Accordingly Tr.C.M.P.No.1084 of 2025 is allowed. HMOP No.23/2004 from the file of the III Additional Subordinate Court, Salem is withdrawn and transferred to the file of the Family Court, Namakkal. The III Additional Subordinate Court, Salem shall transmit the entire records to the Family Court, Namakkal within three weeks from the date of receipt of a copy of this order



and the Family Court Namakkal shall dispose of the matter in accordance with law as expeditiously possible, uninfluenced by any observations made in this order. Consequently, connected CMP NO. 24289 of 2025 is closed. There shall be no order as to costs.

05-02-2026

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

SHL

To

1. The III Additional Sub -ordinate Court, Salem
2. The Family Court , Namakkal.



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DR.A.D.MARIA CLETE J.

SHL

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AND
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