



Tr.CMP.No.1364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.1364 of 2024

and

C.M.P.No.29445 of 2024

Nandhini

... Petitioner

Vs.

D. Prasanna

... Respondent

Prayer in Tr.C.M.P. : Petition filed under Section 24 of C.P.C. read with Section 19 of the Hindu Marriage Act, to withdraw H.M.O.P.No.5 of 2024 from the file of the Subordinate Judge, Gingee and transfer the same to the file of the Family Court, Chennai

Prayer in C.M.P. : Petition filed under Section 151 of C.P.C. to grant interim stay of all further proceedings in H.M.O.P.No.5 of 2024 on the file of the Subordinate Judge, Gingee, pending disposal of the Transfer Civil Miscellaneous Petition.



Tr.CMP.No.1364 of 2024

For Petitioner : Mr.M.Chinnathambi

For Respondent : No Appearance

ORDER

Heard.

2. The petitioner is the wife. The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P. No.5 of 2024 from the Subordinate Court, Gingee and to transfer the same to the file of the Family Court, Chennai. The respondent has filed H.M.O.P.No.5 of 2024 before the Subordinate Court, Gingee, seeking dissolution of marriage.

3. The marriage between the parties was solemnized on 31.03.2021. The petitioner has stated that she is residing at Chennai and that Gingee is about 155 kilometers from Chennai. She has further stated that for every hearing she has to travel along with her aged parents, incur expenses (stated to be about Rs.3,000/- per hearing), and that she is also apprehending danger while attending the Court at Gingee. On these grounds, she seeks transfer of the proceedings to Chennai.



Tr.CMP.No.1364 of 2024

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4. Notice was duly served on the respondent and the respondent's name was printed in the cause list . However, none appeared on behalf of the respondent.

5. This Court, having regard to the power under Section 24 C.P.C., is required to consider whether transfer is expedient for the ends of justice. In matrimonial matters, it is well settled that the convenience of the wife ordinarily deserves primacy, particularly when she is residing away from the place where the proceedings are instituted and has to undertake long travel on each hearing date.

6. In the case on hand, the petitioner is residing at Chennai, whereas the proceedings are pending at Gingee. The hardship pleaded by the petitioner, including distance, recurring travel, and attendant difficulties, warrants acceptance. Transfer of the case to Chennai would better serve the interest of justice and would not cause any irreparable prejudice to the respondent, who can work out his remedies and participate in the proceedings before the transferee Court.



Tr.CMP.No.1364 of 2024

7. Considering the submissions made by the learned counsel for the petitioner, this Court is inclined to allow the Transfer Civil Miscellaneous Petition.

8. Accordingly, Tr.C.M.P. No.1364 of 2024 is allowed. H.M.O.P. No.5 of 2024 on the file of the Subordinate Judge, Gingee, is withdrawn and transferred to the file of the Family Court, Chennai. The Subordinate Judge, Gingee, shall transmit the entire records to the Family Court, Chennai, within three (3) weeks from the date of receipt of this order and the Family Court, Chennai shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 20.12.2024 shall stand vacated and C.M.P.No.29445 of 2024 is closed. There shall be no order as to costs.

07.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
kkd



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Tr.CMP.No.1364 of 2024

Dr. A.D.MARIA CLETE, J.

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To

1. The Subordinate Court, Gingee.
2. The Family Court, Chennai

Tr.CMP.No.1364 of 2024

07.01.2026