



Tr.C.M.P.No.1107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM

THE HON'BLE Mrs.JUSTICE R.KALAIMATHI

Tr.C.M.P.No.1107 of 2025

and

C.M.P.No.24922 of 2025

Naveetha, A.

... Petitioner

Vs

Krishnamoorthy

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.114 of 2023 pending before the Sub-Ordinate Judge, Kovilpatti and transfer the same to the Sub-Ordinate Court, Ponneri.

(Prayer amended as per Order of the Court dated 08.04.2026 in C.M.P.No.9133 of 2026 in Tr.C.M.P.No.1107 of 2025)

For Petitioner : Ms.S.M.Kothai Muthu Meenal

For Respondent : Mr.S.Nambi Arooran

ORDER

Heard the learned counsel for the petitioner who appeared through video conference and the learned counsel for the respondent.



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2. The respondent(wife) in H.M.O.P.No.114 of 2023 before the Subordinate Court, Kovilpatti is the petitioner herein. The said H.M.O.P., was filed by the husband before the Sub-Court, Kovilpatti for an order of divorce, dissolution of marriage and other reliefs.

3. Petitioner/wife would aver that she has been residing along with her mother and she finds it difficult to travel from Ponneri to Tuticorin along with her 3 ½ year old girl child for all the Court hearings.

4. Per contra, the learned counsel for the respondent/husband would vehemently contend that H.M.O.P., was filed in the year 2023 and on 21.07.2025, proof affidavit of the petitioner/husband was filed and on 01.08.2025, 19.09.2025 and on 27.02.2025, PW1 / Petitioner (Husband) was cross-examined and the matter is pending as such before the Sub-Court, Kovilpatti. He would also further contend that in the future hearing the matter will come to an end and seeks for dismissal of the transfer Civil Miscellaneous Petition.

5. It appears that the said H.M.O.P., was filed in the year 2023 (1st hearing on 03.06.2023), but, almost after two years from the date of



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filing of the H.M.O.P., the petitioner has examined himself by filing proof affidavit on 21.07.2025. On the other hand, the distance between Ponneri and Kovilpatti is 689 Kms., (up and down 1378 Kms.), it will be certainly difficult for the respondent (wife) to attend every Court hearing dates as the distance is 689 Kms., (up and down for 1378 Kms).

6. 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 traveling 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



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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."

7. From the case records, it appears that the Petitioner(wife) is the resident of Ponneri (Andarkuppam) and the respondent(husband) is the resident of Ettayapuram, Thoothukudi District.

8. In consideration of the above said details, the request of the petitioner herein / wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.M.O.P.No.114 of 2023 pending on the file of the Subordinate Court, Kovilpatti is withdrawn and transferred to the file of the Sub-Court, Ponneri. The learned Judge of the Sub-Court, Ponneri, on receipt of the records shall take all effective steps to dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

08.04.2026

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

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To

1. The Subordinate Court, Kovilpatti.
2. The Subordinate Court, Ponneri.
3. The Section Officer,
V.R.Section, High Court,
Madras.



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R.KALAIMATHI, J.,

ssn

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