



Tr.C.M.P.No.1235 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2026

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

Tr.C.M.P. No.1235 of 2025

and

C.M.P. No.28139 of 2025

Thamizharasi Kannan, age about 27 years,
D/o Kannan, W/o Vishnukumar,
8/31/25, Rajapuram, Sendamangalam,
Namakkal District, 637409.

... Petitioner

Vs

Vishnu Kumar, age about 24 years,
S/o Narayanasamy,
No.3/37, Main Road, Vanur T.K.,
Ilvanpattu, Semangalam Post,
Villupuram District, 605109.

... Respondent

Prayer in Tr.C.M.P. No.1235 of 2025: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P. No.128 of 2024 pending on the file of the IV Additional Subordinate Judge, Tindivanam, and to transfer the same to the file of the Family Court, Namakkal.



Tr.C.M.P.No.1235 of 2025

Prayer in C.M.P. No.28139 of 2025: Petition to grant interim stay of all further proceedings in H.M.O.P. No.128 of 2024 pending disposal of the Transfer Petition.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr. T. Dhanasekaran

ORDER

1. Heard.
2. The petitioner is the wife. The respondent is the husband. The present Transfer Civil Miscellaneous Petition is filed seeking withdrawal of H.M.O.P. No.128 of 2024 from the file of the IV Additional Subordinate Judge, Tindivanam, and for transfer of the same to the Family Court, Namakkal.
3. The case of the petitioner, in substance, is that she is residing at Namakkal and is employed, and it is not feasible for her to undertake travel from Namakkal to Tindivanam to attend the proceedings. It is also stated that there are no children through the wedlock.



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4. The respondent entered appearance and opposed the transfer. It is his contention that the petition need not be transferred and that the parties can always be represented through counsel before the Sub Court.

5. This Court has considered the rival submissions. Transfer under Section 24 CPC is exercised to advance the ends of justice and to ensure that the litigant, particularly the spouse who is likely to face greater hardship, is not driven to avoidable difficulty in contesting the matrimonial cause.

6. In the present case, the petitioner has specifically pleaded that she is residing at Namakkal and that she would be put to hardship in travelling to Tindivanam for each and every hearing. The pendency is in a matrimonial proceeding and the convenience of the wife is a relevant consideration. The objection that parties can be represented by counsel does not, by itself, answer the practical difficulty of effective participation, instructions and appearance, whenever required by the Trial Court.

7. Having regard to the overall circumstances, this Court is satisfied that ends of justice would be met if the matrimonial original petition is transferred to the Family Court at Namakkal.



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8. Accordingly, Tr.C.M.P. No.1235 of 2025 is allowed. H.M.O.P. No.128 of 2024 on the file of the IV Additional Subordinate Judge, Tindivanam, is withdrawn and transferred to the file of the Family Court, Namakkal. The IV Additional Subordinate Judge, Tindivanam, shall transmit the entire records to the Family Court, Namakkal, within three (3) weeks from the date of receipt of this order and the Family Court, Namakkal 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 14.11.2025 shall stand vacated and C.M.P. No.28139 of 2025 is closed. There shall be no order as to costs.

23.01.2026

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To

1. IV Additional Subordinate Judge, Tindivanam

2. Family Court, Namakkal



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DR. A.D. MARIA CLETE, J

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and
C.M.P. No.28139 of 2025**

23.01.2026