



WEB COPY

Tr.CMP No.1125



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1125 of 2025

and

CMP No.25551 of 2025

S.Priya

...Petitioner(s)

Vs

S.Saravanan

...Respondent(s)

Prayer in Tr.CMP No.1125 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleaded to withdraw the H.M.O.P. No. 113 of 2025, on the file of the Hon'ble Sub Court, Musiri and transfer the same to the Hon'ble Family Court, Salem and to try along with M.C. No. 77 of 2025 on the file of the Hon.ble Family Court, Salem.

Prayer in CMP No.25551 of 2025: Petition filed under Section 151 of Code of Civil Procedure, pleaded to stay of all further proceedings in H.M.O.P. No. 113 of 2025, on the file of the Sub-Court, Musiri, pending disposal of the Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.J.Ramakrishnan
For Respondent(s) : Mr.M.Kiruba Haran



ORDER

1. Heard.

2. The present Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P. No.113 of 2025 (filed for dissolution of marriage) from the file of the Sub-Court, Musiri to the file of the Family Court, Salem, so that it can be tried along with M.C. No.77 of 2025 pending before the Family Court, Salem.

3. The case of the petitioner/wife, in brief, is that the marriage between the parties was solemnized on 01.07.2018 and two minor children were born out of the wedlock; the petitioner is presently residing at Salem and is taking care of the minor children. She would also state that her parents are suffering from ailments and she is constrained to attend to the children and family responsibilities, and therefore, she is unable to travel frequently from Salem to Musiri (about 100 kms) for each hearing.

4. It is also stated that the petitioner has filed M.C. No.77 of 2025 before the Family Court, Salem and the same is pending. The petitioner would further point out that earlier, the respondent had filed H.M.O.P. No.26 of 2024 and the petitioner had obtained an order of transfer from this Court in Tr.C.M.P. No.491 of 2024 on 06.09.2024, and thereafter the proceeding was not pressed by the respondent on 20.02.2025.

5. This Court has considered the above facts and the reasons stated. The power



under Section 24 CPC is discretionary and is to be exercised to advance the ends of justice. In matrimonial proceedings, the consistent approach is that the convenience of the wife and the welfare/needs of minor children are relevant considerations.

6. In the case on hand, the petitioner/wife is residing at Salem, is taking care of two minor children and has also instituted maintenance proceedings at Salem. If the matrimonial original petition is tried at Musiri, the petitioner would be compelled to undertake repeated travel, resulting in hardship. On the other hand, transfer to Salem would facilitate effective participation and would also avoid multiplicity and conflicting adjudications, since the maintenance case is already pending before the Family Court, Salem.
7. In the above circumstances, this Court is of the view that the petitioner has made out a case for transfer.
8. Accordingly, Tr.C.M.P. No.1125 of 2025 is allowed. H.M.O.P. No.113 of 2025 on the file of the Sub-Court, Musiri, is withdrawn and transferred to the file of the Family Court, Salem, to be tried along with M.C. No.77 of 2025 pending on its file. The Sub-Court, Musiri, shall transmit the entire records to the Family Court, Salem, within three (3) weeks from the date of receipt of this order and the Family Court, Salem 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



Tr.CMP No.1125



22.10.2025 shall stand vacated and C.M.P. No.25551 of 2025 is closed.

There shall be no order as to costs.

WEB COPY

20.01.2026

Index:Yes/No

Neutral Citation:Yes/No

Internet:Yes

dsn



Tr.CMP No.1125



WEB COPY

To

1. The Sub Court, Musiri.
2. The Family Court, Salem.



WEB COPY

Tr.CMP No.1125



DR. A.D.MARIA CLETE

dsn

TR CMP No. 1125 of 2025
and CMP No.25551 of 2025

20.01.2026