



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1128 of 2025
and
CMP Nos.25602 and 25628 of 2025

R.Bhavani

...Petitioner(s)

Vs

K.Raja

...Respondent(s)

Prayer in Tr.CMP No.1128 of 2025: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, pleaded to withdraw of H.M.O.P.No.95 of 2023 from the file of the Learned Subordinate Court at Vandavasi and transfer the same to the file of Family Court at Thiruvallur or to any other court as this Hon'ble Court may deem fit.

Prayer in CMP No.25602 of 2025: Petition is filed under Section 151 of CPC, pleaded to stay all the further proceedings in H.M.O.P.No.95 of 2023 pending on the file of the Learned Subordinate Court at Vandavasi till the disposal of the above Tr.CMP.

Prayer in CMP No.25628 of 2025: Petition is filed under Section 151 of CPC, pleaded to pass an order dispensing with the personal appearance of the petitioner in H.M.O.P.No.95 of 2023 pending on the file of the Learned Subordinate Court at Vandavasi , till the disposal of the above Tr CMP.

For Petitioner(s) : Mr.R.Ganesh Kumar
For Respondent(s) : Mr.T.Saikrishnan



ORDER

1. Heard. The Transfer Civil Miscellaneous Petition is filed by the wife seeking transfer of H.M.O.P.No.95 of 2023 (restitution of conjugal rights) now pending on the file of the learned Subordinate Court, Vandavasi, to the file of the learned Family Court, Thiruvallur.
2. The case of the petitioner, in brief, is that the marriage between the parties was solemnized on 24.08.2020 and they have no issues. The respondent/husband had earlier filed H.M.O.P.No.68 of 2023 before the learned Subordinate Court, Cheyyar and later, on territorial jurisdiction, it came to be transferred and renumbered as H.M.O.P.No.95 of 2023 on the file of the learned Subordinate Court, Vandavasi.
3. The petitioner states that she is residing at Thiruvallur and she has no independent income; that she is depending upon her widow mother; and that she has to travel about 85 Kms to attend the proceedings at Vandavasi, which causes hardship.
4. It is also stated that proceedings between the parties are already pending at Thiruvallur, namely, D.V.C.No.49 of 2024 on the file of the learned Additional Mahila Judge at Thiruvallur (posted for evidence on 03.11.2025) and M.C.No.6 of 2025 on the file of the learned Family Court at Thiruvallur (posted for evidence on 31.10.2025), wherein the respondent/husband has entered appearance. The petitioner therefore seeks transfer so that the matters can be conveniently proceeded with at one place.
5. In transfer petitions arising out of matrimonial proceedings, the convenience of



the wife and the interest of justice are important considerations. In the

hand, the petitioner has shown that she has no independent income and is required to travel a substantial distance to Vandavasi, whereas the respondent is already appearing in proceedings at Thiruvallur. No material is placed before this Court to show that the respondent would suffer any serious prejudice if the matter is tried at Thiruvallur. On the contrary, transfer would avoid multiplicity of travel and promote effective adjudication. In such view of the matter, this Court is satisfied that the petitioner has made out a case for transfer.

6. Accordingly, Tr.C.M.P. No.1128 of 2025 is allowed. H.M.O.P. No.95 of 2023 on the file of the learned Subordinate Court, Vandavasi, is withdrawn and transferred to the file of the learned Family Court, Thiruvallur. The learned Subordinate Court, Vandavasi, shall transmit the entire records to the learned Family Court, Thiruvallur, within three (3) weeks from the date of receipt of this order and the learned Family Court, Thiruvallur 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 17.10.2025 shall stand vacated and C.M.P. Nos.25602 and 25628 of 2025 are closed. There shall be no order as to costs.

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(2/2)

Index:Yes/No
Neutral Citation:Yes/No
Internet:Yes
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Tr.CMP No.1



DR. A.D.MARIA CLETE

dsn

To

1. The Subordinate Court, Vandavasi.
2. The Family Court, Thiruvallur.

TR CMP No. 1128 of 2025
and CMP No.25602 and 25628 of 2025

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