



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 1174 of 2025

and

C.M.P.No.26471 of 2025

Mrs.K.Nandhini, (F/28 years)
D/o.Krishnamoorthi,
W/o Mr.R.Bharath Kumar,
No.1019/5, 3rd Main Road,
N.T.R.Nagar, Mookondapalli,
Hosur, Dharmapuri District.
Present Address:
Door No.6/12, New No.52/2,
Varadharaj Pettai,
Kodambakkam,
Chennai-600 024.

..Petitioner(s)

Vs.

Mr.R.Bharath Kumar, (M/31 years)
S/o.Rajendran,
No.5/19, Amman Koil Street,
Pudiyamputhur,
Tuticorin District-628 402.

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, 1908, to withdraw the H.M.O.P.No.58 of 2024, now pending on the file of the Subordinate Court, Tuticorin, Tuticorin District, and transfer the same to the file of the Family Court, Chennai.

For Petitioner(s):

Mr.Lal Devasagayam S

For Respondent(s):

Mr.A.Sam Arul Prasath



ORDER

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Heard the learned counsel for the petitioner (wife) and the learned counsel for the respondent (husband) and perused the materials available on record.

2. The respondent / wife in H.M.O.P.No.58 of 2024 on the file of the Subordinate Court, Thoothududi, is the petitioner herein. The said H.M.O.P. has been filed for dissolution of marriage on the ground of cruelty under Section 13 (1) (1-a) of the Hindu Marriage Act, 1955.

3. The petitioner would aver that she has been residing with her parents at Kodambakkam and finds it extremely difficult and expensive to travel alone from Chennai to Tuticorin for every Court hearing, as she has to cover a distance of approximately 600 kilometers.

4. The learned counsel for the petitioner would reiterate the grounds set out in the petition and seeks transfer of the aforesaid O.P. to the VI Additional Family Court, Chennai.

5. Per contra, the learned counsel for the respondent does not have any serious objection in ordering the Transfer Civil Miscellaneous Petition.



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 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. 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. As a sequel to this, H.MO.P.No.58 of 2024 pending on the file of the learned Subordinate Judge, Tuticorin, Tuticorin District, is withdrawn and transferred to the file of the VI Additional Family Court, Chennai. The learned Family Court Judge, Chennai, on receipt of the records, shall take all effective steps to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Subordinate Judge, Tuticorin, Tuticorin District.
2. The VI Additional Family Court, Chennai.



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R.KALAIMATHI, J.

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