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TR CMP No. 1173 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1173 of 2025

and

CMP No. 26466 of 2025

S.Samundeeswari

..Petitioner

Vs

P.Parthiban

..Respondent

Prayer in TR CMP No. 1173 of 2025: Petition filed under section 24 of CPC to withdraw the HMOP.No.276 of 2024 pending on the file of the Honble Sub Court, Kancheepuram and transfer the same to the Honble Sub Court, Tindivanam.

Prayer in CMP No. 26466 of 2025: Petition to grant interim stay of all further proceedings in HMOP.No.276 of 2024 pending on the file of the Honble Sub Court, Kancheepuram pending disposal of the above TR CMP.

For Petitioner:

P.Pandiyaraj

For Respondent:

M/s.K.J.Sivakumar

**ORDER**

Heard.

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2. This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P. No.276 of 2024 pending on the file of the Sub Court, Kancheepuram, and to transfer the same to the file of the Sub Court, Tindivanam.

3. The petitioner is the wife. The marriage between the petitioner and the respondent was solemnized on 06.04.2022 as per Hindu rites and customs. A male child was born to them on 27.01.2024, who is stated to be aged about two years, and is in the custody of the petitioner.

4. It is the case of the petitioner that the respondent/husband has filed H.M.O.P. No.276 of 2024 under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights before the Sub Court, Kancheepuram. The petitioner states that she is residing at Tindivanam along with the minor child and that it would be very difficult for her to travel from Tindivanam to Kancheepuram and attend the hearings along with the two-year-old child.

5. The learned counsel for the respondent would submit that he has no serious objection for allowing the transfer petition.



6. In transfer petitions relating to matrimonial proceedings, the convenience of the wife, the care of a minor child in her custody and the hardship in undertaking travel for each hearing are relevant factors. In the present case, the petitioner is residing at Tindivanam with a two-year-old child. Requiring the petitioner to travel to Kancheepuram for every hearing would cause undue hardship. In view of the respondent also expressing no serious objection, the balance of convenience clearly lies in favour of the petitioner.

7. Accordingly, Tr.C.M.P. No.1173 of 2025 is allowed. H.M.O.P. No.276 of 2024 on the file of the Sub Court, Kancheepuram, is withdrawn and transferred to the file of the Sub Court, Tindivanam. The Sub Court, Kancheepuram, shall transmit the entire records to the Sub Court, Tindivanam, within three (3) weeks from the date of receipt of this order and the Sub Court, Tindivanam 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 31.10.2025 shall stand vacated and C.M.P. No.26466 of 2025 is closed. There shall be no order as to costs.

05-02-2026

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

SHL



To:

1. The Sub Court, Kancheepuram
2. The Sub Court, Tindivanam.



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DR.A.D.MARIA CLETE J.

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