



WEB COPY

TR CMP No. 1397 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 1397 of 2025

and

CMP No.32617 of 2025

A.Theresa Vinothini
D/o. I.M. Arockiasamy,
W/o. Amrith Joseph
D.No. 92/1, Adhisakthipuram,
Angammal Colony,
Salem - 636009.

..Petitioner(s)

Vs.

M. Amrith Joseph
S/o. Maria Selvaraj,
D.No.8/389, Puthu Street,
Marianathpuram West,
Dindigul.

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, 1908, to withdraw the IDOP.No.377 of 2025 on the file of the Family Court, Dindigul and transfer the same to the file of the Family court, Salem.

For Petitioner(s) : Mr.Swamisubramanian

For Respondent(s): Mr.M.Amrith Joseph
appeared through Video Conferencing

ORDER

Heard the learned counsel for the petitioner.

2. Husband / respondent appears through Video Conferencing.



3. The respondent (wife) in I.D.O.P.No.377 of 2025 on the file of the Family Court, Dindigul, is the petitioner herein.

4. The petitioner would aver that she is residing at Salem and she has got a five year old girl child, she is studying in School at Salem, and she finds it difficult to travel from Salem to Dindugal, about 354 kms up and down on every Court hearing.

5. Reiterating the above said circumstances and difficulties of the petitioner, the learned counsel for the petitioner would reiterate the same grounds and seeks to order the Transfer CMP.

6. The respondent, who appears through video conferencing would contend that the petitioner/wife can also appear through VC and participate in the proceedings before the Family Court, Dindigul. He would further state that his father has recently undergone open-heart surgery and that his mother is suffering from knee pain and his presence at Dindigul is necessary to take care of his parents.

7. 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.

lii. 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.”

8. Based on the grounds set out by the petitioner and the reply given by the respondent, it is pellucid that comparative hardship to the petitioner (wife) is more.

9. 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. Sequel to this, H.M.O.P.No.377 of 2025 pending on the file of the Family Court, Dindigul is



withdrawn and transferred to the file of the Family Court, Salem. The learned Judge, Family Court, Salem, 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.

06-04-2026

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

MAC

To

1. The Family Court, Dindigul
2. The Family Court, Salem



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R.KALAIMATHI, J.

MAC

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