



WEB COPY

TR CMP No. 1240 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. 1240 of 2025

and

CMP NO. 28391 of 2025

B.Chandhana

..Petitioner

Vs

S.Prasanth

..Respondent

Prayer in TR CMP No. 1240 of 2025: Petition filed under section 24 of CPC to withdraw the HMOP No.143 of 2025 on the file of Sub Court, Omalur in Salem District, and transfer the same to the file of Honble III Additional Principal Family Court at Chennai District.

Prayer in CMP No. 28391 of 2025: Petition to interim stay all further proceedings in HMOP No.143 of 2025 on the file of Sub Court Omalur in Salem District and pending disposal of the above Tr.CMP.

For Petitioner:

Mr.R. Balaji Singh

For Respondent:

No appearance

**ORDER**

Heard.

2. This transfer miscellaneous petition is filed by the petitioner/wife seeking to withdraw the HMOP No.143 of 2025 from the file of Sub Court, Omalur, Salem District, and transfer the same to the file of III Additional Principal Family Court at Chennai District.

3. The petitioner is the wife. The respondent is the husband. The marriage between the parties was solemnized on 19.11.2023 at Sri Ulaganayako Sametha Sri Ulageswarar Temple Desavilakku Village, Omalur Mandabam, Salem as per Hindue rites and customs and out of the wedlock, a male child is born, who is stated to be two years old and is in care and custody of the petitioner.

4. The petitioner filed H.M.O.P. No.5381 of 2024 filed seeking Restitution of Conjugal Rights before the III Additional Family Court at Chennai and the same is pending. The respondent husband has also filed H.M.O.P. No.143 of 2025 before the Sub-Court, Omalur at Salem.

5. The case of the petitioner/wife is that she is residing at Chennai along with minor child and aged parents. The petitioner pleads difficulty in travelling



from Chennai to Salem for each hearing, particularly she has to take care of the minor child. Further, travel expenditure would cause hardship.

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6. Today, when the matter is taken up for hearing, there is no representation for the respondent.

7. It is well settled that in transfer petitions arising out of matrimonial proceedings, the convenience of the wife is a paramount consideration, particularly when she is residing away from the place where the matrimonial proceedings are instituted. When the wife pleads genuine difficulty on account of residence, take care of child and huge expenses spent for travel, the request ordinarily deserves acceptance, unless strong reasons exist to decline. The petitioner has also initiated HMOP before the III Additional Family Court at Chennai.

8. In view of the above circumstances, this Court is of the considered view that ends of justice would be met by transferring HMOP No.143 of 2025 from the file of Sub Court, Omalur, Salem District to the file of III Additional Principal Family Court at Chennai District.

9. Accordingly, Tr.C.M.P.No.1240 of 2025 is allowed. HMOP No.143 of 2025 on the file of Sub Court, Omalur, Salem District is withdrawn and



transferred to the file of the III Additional Principal Family Court at Chennai District. The Sub Court, Omalur Salem District shall transmit the entire records to the III Additional Principal Family Court, Chennai, within three weeks from the date of receipt of copy of this order and the III Additional Principal Family Court, Chennai 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 17-11-2025 shall stand vacated and CMP.No.28391 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, Omalur, Salem District
2. The III Additional Principal Family Court, Chennai District.



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DR.A.D.MARIA CLETE J.

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