



WEB COPY

TR CMP No. 1239 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. 1239 of 2025

and

CMP No. 28389 of 2025

E.Nivedha

..Petitioner

Vs

Devendiran

..Respondent

Prayer in TR CMP No. 1239 of 2025: Petition filed under section 24 of CPC to withdraw and transfer the HMOP.No.92 of 2025, pending on the file of the Learned Subordinate Court at Sankarapuram, Kallakurichi District to Prl.Subordinate Court at Chengalpet Dist.

Prayer in CMP No. 28389 of 2025: Petition to stay all the further proceedings in HMOP.No.92 of 2025, pending on the file of the Learned Subordinate Court at Sankarapuram, Kallakurichi District, pending disposal of the above TR CMP.

For Petitioner:

Mr.V.Vivek

For Respondent:

No appearance



Order

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner –wife seeking to withdraw and HMOP.No.92 of 2025, pending on the file of the Subordinate Court at Sankarapuram, Kallakurichi District and transfer the same to the file of the Principal Subordinate Court at Chengalpet Dist.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner/wife and the respondent-husband was solemnized on 14.03.2025, at Sri Pudupattu Mariamman Kovil, Nallathur, Kallakurichi, as per Hindu rights and customs. It is stated that there are no children through the wedlock.

4. The respondent has filed petition HMOP.No.92 of 2025 seeking restitution of conjugal before the Subordinate court at Sankarapuram, Kallakurichi District. The petitioner wife has also filed O.P.No. 215 of 2025 seeking relief for declaration of marriage as null and void under section 12 of Hindu Marriage Act before Principal Subordinate Court, Chengalpattu and the same is pending.



5. It is the case of the petitioner/wife is that she is residing in Ponmar, Chengalpet District with her parents. It is extremely difficult for her to travel about 240 kilometers from Chengalpattu to Kallakurichi for every hearing, particularly when she cannot travel alone and her aged parents are unable to accompany her owing to age and medical condition and further the travel expenditure would cause hardship.

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

7 In matrimonial transfer petitions, the convenience of the wife and the pendency of connected proceedings at the place where the wife resides are relevant considerations while exercising power under Section 24 C.P.C., In the present case, the petitioner is stated to be residing at Chengalpattu and OP filed by the petitioner wife is pending at Chengalpattu. Having regard to the difficulty pleaded by the petitioner in effectively participating in the proceedings at Kallakurichi, this Court is of the view that ends of justice would be met by transferring HMOP.No.92 of 2025, pending on the file of the Subordinate Court at Sankarapuram, Kallakurichi District to the Principal Subordinate Court at Chengalpet District.

8. Accordingly, Tr.C.M.P.No.1239 of 2025 is allowed. HMOP.No.92 of 2025,



pending on the file of the Subordinate Court at Sankarapuram, Kallakurichi District is withdrawn and transferred to the file of the Principal Subordinate Court at Chengalpet District. The Subordinate Court, Sankarapuram, Kallakurichi District shall transmit the entire records to the Principal Subordinate Court at Chengalpet District within three weeks from the date of receipt of copy of this order and the Principal Subordinate Court, Chengalpet District shall dispose of the matter in accordance with law as expeditiously as possible, uninfluenced by any observations made in this order. Interim order granted by this Court on 17-11-2025 shall stand vacated and CMP.No.28389 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 Subordinate Court at Sankarapuram, Kallakurichi District
2. The Prl.Subordinate Court at Chengalpet Dist.



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DR.A.D.MARIA CLETE J.

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AND
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