



Tr.CMP.No.1213 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.1213 of 2025

and CMP.No.27609 of 2025

R. Soundariya

... Petitioner

Vs.

N.Tamil Alagan

... Respondent

Prayer in Tr.C.M.P.No.1213 of 2025: This Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the case pending in HMOP No.232 of 2025 on the file of the Sub Court, Thirumangalam, Madurai and transfer the same to the file of Family Court, Coimbatore.

Prayer in C.M.P. No.27609 of 2025: This Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code pleaded to stay all further proceedings in HMOP.No.232 of 2025 on the file of the Sub Court, Thirumangalam, Madurai pending disposal of the above transfer petition.

For Petitioner : Mr.K.Sumathi

For Respondent : Mr.S.Ajith Kumar



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ORDER

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Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner/wife seeks transfer of H.M.O.P. No.232 of 2025 from the file of the Sub Court, Thirumangalam, Madurai to the file of the Family Court, Coimbatore.

3. The case of the petitioner, in brief, is that the marriage between the parties was solemnised on 28.06.2023 and in the wedlock, a female child was born on 13.07.2024, who is now an infant and is in the exclusive care and custody of the petitioner.

4. The petitioner states that she is residing at Coimbatore and is required to travel about 200 kilometres to attend each hearing at Thirumangalam/Madurai; considering that she is a nursing mother and the child is wholly dependent on her, such travel would cause severe hardship.

5. The petitioner further states that she is presently unemployed and does not have the financial capacity to undertake repeated travel and related



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expenses, whereas the respondent is stated to be employed and capable of attending the proceedings at Coimbatore without hardship.

6. Per contra, the learned counsel for the respondent submitted that it is not safe for the respondent to travel to Coimbatore and that he apprehends threat in proceedings outside the Family Court; hence, transfer should not be ordered.

7. This Court has considered the rival submissions. Transfer petitions in matrimonial matters are to be decided primarily on the touchstone of ends of justice and convenience of parties, and it is well settled that convenience of the wife is ordinarily to be given due weight, especially where she has the custody of a minor child and has to undertake long-distance travel for each hearing.

8. In the present case, the petitioner is residing at Coimbatore and is having the care of an infant child. The distance involved for every hearing is substantial and the petitioner has specifically pleaded physical, mental and financial hardship.

9. On the other hand, the respondent's objection of "threat" is a vague assertion and cannot, by itself, defeat a transfer sought on genuine grounds of



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hardship and child-care. If at all there is any apprehension, it is always open to the respondent to seek appropriate protection from the jurisdictional police/court in accordance with law. Hence, the said submission is not accepted.

10. Therefore, this Court is satisfied that the balance of convenience and the ends of justice require transfer of the proceedings to Coimbatore.

11. Accordingly, Tr.C.M.P. No.1213 of 2025 is allowed. H.M.O.P. No.232 of 2025 on the file of the Sub Court, Thirumangalam, Madurai, is withdrawn and transferred to the file of the Family Court, Coimbatore. The Sub Court, Thirumangalam, Madurai, shall transmit the entire records to the Family Court, Coimbatore, within three (3) weeks from the date of receipt of this order and the Family Court, Coimbatore 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 10.11.2025 shall stand vacated and C.M.P. No.27609 of 2025 is closed. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
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To

1. The Sub Court,
Thirumangalam, Madurai.
2. The Family Court,
Coimbatore.



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DR.A.D.MARIA CLETE. J,

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