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Tr.C.M.P.No.1214 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

**CORAM
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

**Tr.C.M.P. No.1214 of 2025
and
C.M.P. No.27626 of 2025**

S. Lavanya

... Petitioner

Vs

M. Arul @ Arul Kumaran @ Arulkumaran Mani

... Respondent

Prayer in Tr.C.M.P. No.1214 of 2025: Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw H.M.O.P. No.299 of 2025 on the file of the Sub Court, Tambaram and transfer the same to the file of the Sub Court, Ambattur.

Prayer in C.M.P. No.27626 of 2025: Petition filed under Section 151 C.P.C., to grant interim stay of all further proceedings in H.M.O.P. No.299 of 2025 on the file of the Sub Court, Tambaram, pending disposal of the Transfer Civil Miscellaneous Petition.

For Petitioner : Ms.K.Sumathi

For Respondent : No appearance



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ORDER

1. Heard.
2. This Transfer Civil Miscellaneous Petition is filed seeking withdrawal of H.M.O.P. No.299 of 2025 (divorce petition filed by the respondent/husband) from the file of the Sub Court, Tambaram and to transfer the same to the file of the Sub Court, Ambattur.
3. The case of the petitioner/wife, as seen from the affidavit, in brief, is as follows: the marriage between the petitioner and the respondent was solemnised on 27.01.2023. A female child was born to them on 26.01.2024. The respondent has instituted H.M.O.P. No.299 of 2025 before the Sub Court, Tambaram. The petitioner is presently residing at Ambattur with the minor child and is employed near Ambattur. She pleads that she will suffer hardship in attending the proceedings at Tambaram, whereas the Sub Court, Ambattur is much nearer to her place of residence.



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4. It is well settled that the convenience of the wife, particularly when she has the custody/continuous care of a minor child, deserves primacy, so as to ensure meaningful access to justice and effective participation in the proceedings.

5. In the present case, the petitioner is residing at Ambattur along with the minor child, and she has specifically pleaded difficulty in undertaking travel and attending hearings at Tambaram, apart from employment-related constraints. On the other hand, transferring the proceedings to Ambattur would not cause comparable prejudice to the respondent; and the respondent has not come forward to contest the transfer request.

6. In these circumstances, this Court is satisfied that the ends of justice would be met by allowing the transfer, so that the matrimonial proceedings are adjudicated on merits, without avoidable hardship to the petitioner. In view of the above, the Transfer Civil Miscellaneous Petition is allowed, and consequential directions are issued.



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7. Accordingly, Tr.C.M.P. No.1214 of 2025 is allowed. H.M.O.P. No.299 of 2025 on the file of the Sub Court, Tambaram, is withdrawn and transferred to the file of the Sub Court, Ambattur. The Sub Court, Tambaram, shall transmit the entire records to the Sub Court, Ambattur, within three (3) weeks from the date of receipt of this order and the Sub Court, Ambattur, 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.27626 of 2025 is closed. There shall be no order as to costs.

30.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. Sub Court, Tambaram
2. Sub Court, Ambattur



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DR. A.D. MARIA CLETE, J

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