



WEB COPY

TR CMP No. 1242 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 1242 of 2025

AND

CMP NO. 28467 OF 2025

R. Sountharya

..Petitioner(s)

Vs

E. Surya @ Prasanna

.. Respondent(s)

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C. to withdraw the case in HMOP No.4 of 2025 from the file of the Subordinate Court, Panruti and to transfer to the file of Family Court at Villupuram for joint trial and disposal along the HMOP No.38 of 2024 pending on the file of the Honble Family Court at Villupuram.

For Petitioner(s) : Mr.S.Krishnasamy

For Respondent(s) : Mr.Sathiavel M.

ORDER

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



2. Respondent (wife) in H.M.O.P.No.4 of 2025 on the file of the Subordinate Court, Panruti is the petitioner herein

3. The petitioner (husband) has filed Original Petition in HMOP.No.38 of 2024 before the Family Court, Villupuram for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955.

4. The petitioner would aver that she is not in a position to travel from Salai Agaram, Villupuram to Panruti [Cuddalore District].

5. Reiterating the said contention, the learned counsel for the petitioner would further add that she is living in her parents' home at Villupuram and she finds it difficult to travel from Villupuram to Cuddalore to attend the Court hearings.

6. Per contra, the learned counsel for the respondent does not have any serious objection in ordering the Transfer Civil Miscellaneous Petition.

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.

iii. 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. On perusal of petition filed H.M.O.P.No.4 of 2025, it appears that petitioner/husband is the resident of Panruti, Cuddalore District and the respondent/wife is resident of Salai Agaram, Villupuram District.

9. In consideration of the details mentioned supra, petitioner/wife request to transfer H.M.O.P.No.4 of 2025 which is pending before the Subordinate Court, Panruti appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.M.O.P.No.4 of 2025 pending on the file of the Subordinate Court,



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R.KALAIMATHI, J.

KKD

Panruti is withdrawn and transferred to the file of the Family Court, Villupuram, to be tried simultaneously with HMOP.No.38 of 2024. The Family Court, Villupuram on receipt of the records to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

27-03-2026

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

To

1. The Subordinate Court, Panruti.
- 2.The Family Court, Villupuram.

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