



WEB COPY

TR CMP No. 1247 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. 1247 of 2025**

**and**

**CMP No.28612 of 2025**

M.Vidhya,  
D/o. Murugan,  
D.No. 48/13, Radial House,  
Anna Nagar West Extension,  
Chennai-600 101.

..Petitioner(s)

Vs.

M.Srirama Kattabommu Durai,  
S/o. Mottaiyasamy,  
No.1/86, West Street,  
Aadhanur, Ottapidaram (Tk),  
Tuticorin District-628 712.

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the proceedings in H.M.O.P No. 3 of 2025 now pending on the file of the Sub-Court, Thoothukudi, and transfer the same to the file of the Family Court Chennai 104.

For Petitioner(s) : Mr.G.Anandakumar

For Respondent(s): No Appearance

### **ORDER**

Heard the learned counsel for the petitioner.



2. The petitioner who is the respondent / wife in H.M.O.P.No.3 of 2025 on the file of Subordinate Court, Thoothukudi, has filed this Transfer Civil Miscellaneous Petition seeking to transfer the said H.M.O.P., to the Family Court, Chennai by stating that she is not in a position to travel to Thoothukudi from Chennai on every date of hearing.

3. Reiterating the said contention, the learned counsel for the petitioner would further add that she is living in Chennai along with her parents and she finds it difficult to travel from Chennai to Thoothukudi for all the hearing dates.

4. Despite the receipt of notice and the respondent's name having been printed in the cause list, the respondent neither appeared nor entered an appearance through counsel.

5. 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."*

6. On perusal of petition filed in H.M.O.P.No.3 of 2025, it appears that petitioner/husband is the resident of Thoothukudi and the respondent/wife is the resident of Chennai.

7. In consideration of the above said details, the request of the petitioner herein / wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.MO.P.No.3 of 2025 pending on the file of the Subordinate Court, Thoothukudi is withdrawn and transferred to the file of the III-Additional Principal Family Court, Chennai. The III-Additional Principal Family Court, Chennai 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.

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**27-03-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MAC

To

1. The Sub-Court, Thoothukudi
2. The III-Additional Principal Family Court, Chennai



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**R.KALAIMATHI, J.**

MAC

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