



WEB COPY

TR CMP No. 1288 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1288 of 2025

AND

CMP NO. 29502 OF 2025

K.Kaviya Kannan

D/o. Kannan, W/o. Saravana Kumar, Udayarkudi,

Udayarkudi Post, Kattumannarkoil, Cuddalore

District. Presently Address No.28, Madha Koil

Street, Padalam Post, Chengalpet District.

..Petitioner(s)

Vs

Saravanakumar

S/o. C.Rajagopal, No.8A1, Rathinam Veedhi,

Dharmapuri Taluk, Dharmapuri-636 701. Present

Address. No.8A1, Mandri Lane, K.V.Rathinam

Veedhi, Kamatchi Amman Street, Dharmapuri Post,

Dharmapuri-636 701.

..Respondent(s)

PRAYER IN TR CMP No. 1288 of 2025

To withdraw the case HMOP No.155 of 2025 pending on the file of the Honble Family Court, Dharmapuri and transfer the same to the file of the Honble Subordinate Court, Madurantakam and try along with HMOP No.87 of 2025 on the file Honble Subordinate Court, Madurantakam and pass such further or other orders as this Honble Court.

PRAYER IN CMP No. 29502 of 2025

To grant stay of all further proceedings in case HMOP No.155 of 2025 pending on the file of the Honble Family Court, Dharmapuri pending disposal of above Transfer CMP.

For Petitioner(s):

T.K.S.Gandhi



For Respondent(s): No appearance.

Order

Heard.

2. This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife under Section 24 of the Code of Civil Procedure seeking withdrawal of HMOP No.155 of 2025 pending on the file of the Family Court, Dharmapuri and transfer of the same to the file of the Subordinate Court, Madurantakam.

3. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 19.02.2018 and out of the wed lock, one male child was born. Thereafter, due to matrimonial disputes, differences arose and the petitioner was forced to leave the matrimonial home. The respondent has filed H.M.O.P.No.155 of 2025 before the Family Court, Dharmapuri seeking restitution of conjugal rights and the petitioner has also filed H.M.O.P.No.87 of 2025 before the Subordinate Court, Madurantakam seeking divorce.

4. The learned counsel for the petitioner submits that the distance between the petitioner's residence and Dharmapuri is about 275 kms and thus, she cannot travel and submits that she is living with her minor child and no prejudice will



be caused to the respondent, if the case is transferred to Madurantakam.

5. Having considered the submissions, this Court is of the view that, in a petition for transfer filed by the wife, the convenience of the wife ordinarily deserves primacy. In the facts placed, it is seen that the child is along with the petitioner and the petitioner has filed divorce petition which is pending at Madurantakam. Therefore, this Court is inclined to allow the transfer sought for.

6. Accordingly, Tr.C.M.P. No.1288 of 2025 is allowed and H.M.O.P.No.155 of 2025 pending on the file of the Family Court, Dharmapuri is withdrawn and transferred to the file of the Subordinate Court, Madurantakam. The Family Court, Dharmapuri is directed to transmit the entire records within a period of three weeks to the Subordinate Court, Madurantakam. On receipt of the records, the Subordinate Court, Madurantakam shall dispose of the case in accordance with law along with the divorce petition filed by the petitioner as expeditiously as possible, uninfluenced by any of the observations made in this order. In view of the above, the interim order of stay granted shall stand vacated and C.M.P. No.29502 of 2025 is closed. No costs.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DPQ



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DR.A.D.MARIA CLETE J.

DPQ

To

- 1.The Family Court, Dharmapuri.
- 2.The Subordinate Court, Madurantakam

**TR CMP No. 1288 of 2025
AND
CMP NO. 29502 OF 2025**

26-02-2026