



Tr.CMP.No.1318 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.1318 of 2025
and C.M.P.No.30219 of 2025

Nirmala

... Petitioner

Vs.

R. Kulothungan,

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P. No.751 of 2025 pending on the file of the Family Court, Puducherry, to the Family Court, Chennai.

For Petitioner : Mr.J.Hari Krishna

For Respondent : Mr.K.Sathish

ORDER

1. Heard.

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking transfer of H.M.O.P. No.751 of 2025 from the file of the Family Court, Puducherry, to the file of the Family Court, Chennai.



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3. The petitioner/wife states that she is aged about 64 years and is a senior citizen and, due to age and old age ailments, she is unable to travel even for short distances. It is further stated that the travel from Chennai to Puducherry (more than 175 kilometers) causes severe inconvenience and hardship, thereby rendering it difficult for her to attend each and every hearing at Puducherry.

4. It is seen that the respondent/husband has instituted the matrimonial proceedings by filing H.M.O.P. No.751 of 2025 before the Family Court, Puducherry, seeking divorce under Section 13(1)(i-b) of the Hindu Marriage Act, 1955. The petitioner also states that summons have been received in the said proceedings, calling upon her appearance.

5. In transfer petitions arising out of matrimonial proceedings, the Court, while exercising jurisdiction under Section 24 of C.P.C., has to adopt an approach that advances the cause of justice and ensures a



fair opportunity to both sides. The convenience and hardship pleaded by a spouse, particularly when supported by age, health condition, and travel difficulty, are relevant considerations.

6. In the case on hand, the petitioner is stated to be a senior citizen and has specifically pleaded inability to undertake travel and the attendant hardship. The petitioner also asserts that no prejudice would be caused to the respondent if the matter is transferred to Chennai.

7. Having considered the pleadings and the nature of the matrimonial lis, this Court is satisfied that the ends of justice would be met by transferring the proceedings to Chennai, so that the petitioner is not driven to undue hardship in defending the matter.

8. Accordingly, Tr.C.M.P.No.1318 of 2025 is allowed. H.M.O.P. No.751 of 2025, on the file of the Family Court, Puducherry, is withdrawn and transferred to the file of the Family Court, Chennai. The Family Court, Puducherry, shall transmit the entire records to the



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Dr. A.D. MARIA CLETE, J.

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Family Court, Chennai, within three (3) weeks from the date of receipt of this order and the Family Court, Chennai shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order and the connected C.M.P. No.30219 of 2025 is closed. There shall be no order as to costs.

06.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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To

1. The Family Court, Puducherry,
2. The Family Court, Chennai.

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