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Tr.C.M.P.No.1360 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. 1360 of 2025

S.Lavanya

.. Petitioner

-versus-

K. Sundararajan

.. Respondent

Prayer in Tr.C.M.P. No.1360 of 2025:

Transfer H.M.O.P. No.1097 of 2024 pending on the file of the VI Additional Family Court, Chennai, to the file of the Family Court, Krishnagiri.

For Petitioner : Mr.M.Naresh

For Respondent :Ms.Sivakami Shanmugam Pillai

ORDER

1. Heard .
2. The petitioner is the wife. The respondent is the husband. The respondent has filed H.M.O.P. No.1097 of 2024 before the VI Additional Family Court, Chennai, seeking dissolution of marriage.



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3. The petitioner states that the marriage between the parties was solemnized on 13.02.2011 at Krishnagiri and that a female child, Dhanuja Sri, was born on 22.11.2015 and the child is in the custody of the petitioner. The petitioner further states that the respondent is employed at Chennai, whereas the petitioner has no independent income and is residing at Krishnagiri.
4. It is the further case of the petitioner that due to her non-appearance, the H.M.O.P. was set ex parte on 06.01.2025 and decreed on 02.04.2025 and that she has filed a petition to set aside the decree dated 02.04.2025 on 15.07.2025, which is stated to be listed for hearing.
5. The core ground urged for transfer is hardship. The petitioner states that she is a permanent resident of Krishnagiri and that her minor daughter is studying V Standard at Senthil Public School, Krishnagiri. It is stated that the distance between Krishnagiri and Chennai is about 300 kms; that there is stated to be no convenient train facility from her area; that she has to travel by bus and, for attending hearings, she has to come to Chennai one day earlier and arrange private accommodation, causing expenses and mental strain, besides affecting the child's education. The petitioner also asserts that she is the primary caregiver and has responsibilities towards her aged parents.



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6. The governing principle in matrimonial transfer petitions is that the Court must ensure effective access to justice and a fair opportunity to contest. In such proceedings, the convenience of the wife, particularly where she is the primary caregiver of a minor child and is without independent income, is a weighty consideration, unless the respondent demonstrates serious prejudice.
7. In the present case, the petitioner has specifically pleaded (i) residence at Krishnagiri, (ii) custody of the minor child, and (iii) the educational and logistical burden of repeatedly travelling to Chennai.
8. On the other hand, the respondent is stated to be employed at Chennai.
9. In the facts placed, this Court is satisfied that retaining the proceedings at Chennai would place disproportionate hardship on the petitioner and the minor child, and that transfer would better subserve the ends of justice. Accordingly, the Transfer Civil Miscellaneous Petition deserves to be allowed.
10. Accordingly, Tr.C.M.P. No. 1360 of 2025 is allowed. H.M.O.P. No.1097 of 2024 on the file of the VI Additional Family Court, Chennai, is withdrawn and transferred to the file of the Family Court, Krishnagiri. The VI Additional Family Court, Chennai, shall transmit the entire records to the Family Court, Krishnagiri, within three (3) weeks from the date of receipt of



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this order and the Family Court, Krishnagiri shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Connected CMPS if any closed. There shall be no order as to costs.

30.01.2026

mfa

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. VI Additional Family Court, Chennai
2. Family Court, Krishnagiri



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DR. A.D. MARIA CLETE, J

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