



WEB COPY

TR CMP No. 1337 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

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

TR CMP No. 1337 of 2025

and

CMP No. 30937 of 2025

Agalya

..Petitioner

Vs

Sathiyaseelan

..Respondent

Prayer in TR CMP No. 1337 of 2025: Petition filed under section 24 of CPC to withdraw and transfer the restitution of conjugal rights petition in H.M.O.P.No.120/2025 pending before the Learned Family Court, Krishnagiri District to the Learned Family Court, Dharmapuri, Dharmapuri District.

Prayer in CMP No. 30937 of 2025: Petition to stay all further proceeding in H.M.O.P.No.120/2025 pending before the Learned Family Court, Krishnagiri, Krishnagiri District pending disposal of the transfer petition.

For Petitioner:

Mr.E.Kannadasan

For Respondent:

Ms.N.Sureka



Order

Heard.

2. This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P. No.120 of 2025 pending on the file of the Family Court, Krishnagiri and to transfer the same to the file of the Family Court, Dharmapuri.

3. The petitioner is the wife and the respondent is the husband. The marriage between the parties was solemnized on 04.06.2018 at, Kaveripattinam, Krishnagiri District, as per Hindu rites and customs. It is stated that through the wedlock, two children were born and they are now studying.

4. The respondent/husband has filed H.M.O.P. No.120 of 2025 on the file of the Family Court, Krishnagiri, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act.

5. The learned counsel for the petitioner would submit that the petitioner is residing at Dharmapuri along with the two children, who are studying at Dharmapuri, and that it would be difficult for the petitioner to travel to



Krishnagiri for each and every hearing. Hence, transfer is sought to Dharmapuri.

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6. Per contra, the learned counsel for the respondent strongly objected and vehemently opposed the transfer.
7. This Court has considered the rival submissions. In matrimonial matters, the convenience of the wife, particularly when she is residing with minor children and has to attend to their day-to-day needs and schooling, is a relevant and weighty consideration.
8. In the present case, the petitioner is residing at Dharmapuri with the children, and the hardship pleaded in attending proceedings at Krishnagiri cannot be lightly brushed aside. Transfer to Dharmapuri would facilitate effective participation in the proceedings and would subserve the ends of justice. The objection of the respondent, in the facts of the case, is not sufficient to deny transfer. Accordingly, the Transfer Civil Miscellaneous Petition deserves to be allowed.



9. Accordingly, Tr.C.M.P. No.1337 of 2025 is allowed. H.M.O.P. No.120 of 2025 on the file of the Family Court, Krishnagiri, is withdrawn and transferred to the file of the Family Court, Dharmapuri. The Family Court, Krishnagiri, shall transmit the entire records to the Family Court, Dharmapuri, within three (3) weeks from the date of receipt of this order and the Family Court, Dharmapuri shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. C.M.P. No.30937 of 2025 is closed. There shall be no order as to costs.

06-02-2026

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

SHL

To

1. The Family Court, Krishnagiri District
2. The Family Court, Dharmapuri, Dharmapuri District.



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DR.A.D.MARIA CLETE J.

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