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Tr.C.M.P.No.1344 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. 1344 of 2025

and

C.M.P. No. 31239 of 2025

Mrs. Lavanya

D/o. K.N. Pulikesi,

W/o. K. Agoram,

... Petitioner

Versus

K. Agoram

S/o. A. Karthikeyan,

... Respondent

Prayer in Tr.C.M.P. No. 1344 of 2025

Transfer Petition under Section 24 of C.P.C., to withdraw H.M.O.P. No. 48 of 2025 pending on the file of the Sub Court, Sirkazhi and transfer the same to the file of the Sub Court, Tiruvarur.

Prayer in C.M.P. No. 31239 of 2025

To grant interim stay of all further proceedings in H.M.O.P. No. 48 of 2025 on the file of the Sub Court, Sirkazhi, pending disposal of the Transfer Petition.

For Petitioner :M/s. S. Venkatesan

For Respondent: Mr.P.Muthamizh Selvakumar



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ORDER

1. Heard .
2. The petitioner is the wife and the respondent is the husband. The marriage between the parties was solemnised on 27.03.2023 and it is stated that no child is born through the wedlock.
3. The respondent/husband has filed H.M.O.P. No. 48 of 2025 on the file of the Sub Court, Sirkazhi. The present Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking withdrawal of the said H.M.O.P. and its transfer to the file of the Sub Court, Tiruvarur, primarily on the ground of convenience and hardship.
4. The case of the petitioner is that she is residing with her parents at Nadakudi / Nanilam Taluk, Tiruvarur District, and that she would be put to serious hardship to travel to Sirkazhi for every hearing. She would also submit that proceedings under the Protection of Women from Domestic Violence Act have been initiated by her and the same has been taken on file as D.V.C. No. 2 of 2025 on the file of the District Munsif-cum-Judicial Magistrate Court at Nanilam, and therefore, the transfer sought would avoid multiplicity of travel and would subserve the ends of justice.



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5. The learned counsel for the respondent would object by contending that the petitioner is stated to be residing at Nanilam and not at Tiruvarur. The learned counsel for the petitioner would submit that the petitioner resides in a village within about 16 km from Tiruvarur, and therefore, the transfer to the Sub Court, Tiruvarur is reasonable and convenient.

6. This Court has considered the rival submissions. In transfer petitions arising out of matrimonial proceedings, the consistent judicial approach is that the convenience of the wife ordinarily deserves greater weight, particularly when she pleads lack of independent income, difficulty in travel, and when connected proceedings are pending at or near the place to which transfer is sought.

7. In the present case, the petitioner is stated to be staying with her parents in Tiruvarur District and a connected proceeding (D.V.C. No. 2 of 2025) is pending at Nanilam, within the same district. Further, it is also submitted that the respondent has not raised any serious objection to allow the transfer petition.



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8. On an overall consideration of the facts and circumstances, this Court is satisfied that ends of justice would be met by ordering transfer of H.M.O.P. No. 48 of 2025 from the file of the Sub Court, Sirkazhi to the file of the Sub Court, Tiruvarur.

9. Accordingly, Tr.C.M.P. No. 616 of 2025 is allowed. H.M.O.P. No. 48 of 2025 on the file of the Sub Court, Sirkazhi, is withdrawn and transferred to the file of the Sub Court, Tiruvarur. The Sub Court, Sirkazhi, shall transmit the entire records to the Sub Court, Tiruvarur, within three (3) weeks from the date of receipt of this order and the Sub Court, Tiruvarur 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. 31239 of 2025 is closed. There shall be no order as to costs.

30.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. Sub Court, Sirkazhi
2. Sub Court, Tiruvarur,



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DR. A.D. MARIA CLETE, J

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