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Tr.C.M.P.No.1366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.1366 of 2025

and

CMP No.31989 of 2025

Karpagarachithambal

... Petitioner

Vs

Indiramyuran

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to transfer the proceedings of the case pending in HMOP No.328 of 2023 on the file of the Subordinate Judge, Kanchipuram District to Subordinate Judge at Tirutani, Tiruvallur District.

PRAYER in C.M.P:

To stay all further proceedings in HMOP No.328 of 2023 on the file of the Subordinate Judge, Kanchipuram District

For Petitioner : Mr.J.Rajkumar

For Respondent : Mr.K.J.Sivakumar



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ORDER

Heard.

2. The petitioner is the wife. The respondent is the husband. The marriage between the parties is stated to have been solemnized on 18.01.2013 and they are stated to have two minor male children, born on 07.04.2015 and 29.01.2018.

3. The respondent/husband has instituted H.M.O.P.No.328 of 2023 on the file of the Subordinate Judge, Kanchipuram District, seeking restitution of conjugal rights directing the respondent to join with the petitioner along with their children. The petitioner/wife seeks transfer of the said proceedings to the file of the Subordinate Judge, Tiruthani, Tiruvallur District.

4. The case of the petitioner, in substance, is that she is residing at Tiruthani along with the minor children, that they are school-going, and that she would be put to hardship, inconvenience and safety concerns if she is required to



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travel to Kanchipuram for every hearing. It is also her assertion that proceedings under the Protection of Women from Domestic Violence Act are pending at Tiruthani in D.V.C. No.11 of 2023.

5. Per contra, the respondent has filed counter and opposed the transfer. The stand reflected in the materials filed is that he has been taking steps relating to the welfare of the children and that, inter alia, proceedings between the parties are already pending at Kanchipuram.

6. The respondent would submit that the transfer petition is not bona fide.

7. This Court has considered the rival submissions. In the present case, it is not in dispute that the petitioner is residing at Tiruthani and the children are stated to be living with her and attending school there. The petitioner has also pointed out that proceedings in D.V.C. No.11 of 2023 are pending at Tiruthani. These factors are relevant while assessing hardship. The distance travel and repeated appearance at Kanchipuram would, on the petitioner's showing, cause inconvenience and difficulty, particularly when she has to travel with/for the minor children and manage their schooling.



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8. On the other hand, transfer of the custody proceedings to Tiruthani would not, by itself, cause irremediable prejudice to the respondent, as he can effectively contest the matter before the transferee Court. The respondent's defences and contentions on facts and merits are matters to be urged before the Court conducting the H.M.O.P., and the transferee Court shall decide the petition strictly on its own merits and in accordance with law, uninfluenced by any observations herein.

9. In such view of the matter, and considering the overall circumstances, this Court is of the view that the request for transfer deserves to be allowed, to subserve the ends of justice.

10. Accordingly, Tr.C.M.P. No.1366 of 2025 is allowed. H.M.O.P. No.328 of 2023 on the file of the Subordinate Judge, Kanchipuram, is withdrawn and transferred to the file of the Subordinate Judge, Tiruthani, Tiruvallur District. The Subordinate Judge, Kanchipuram, shall transmit the entire records to the Subordinate Judge, Tiruthani, within three (3) weeks from the date of receipt of this order and the Subordinate Judge, Tiruthani, shall dispose of the



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matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Connected C.M.P. No.31989 of 2025 is closed. There shall be no order as to costs.

10.02.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. The Subordinate Judge, Kanchipuram District
2. The Subordinate Judge, Tirutani, Tiruvallur District.



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DR. A.D. MARIA CLETE, J

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