



WEB COPY



Tr.C.M.P.No.1350 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.1350 of 2025

and

CMP No.31467 of 2025

Kavithaa.S

... Petitioner

Vs

Boovendran.T @ Gopinath

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw FCOP No.9 of 2025 on the file of the Principal Subordinate Court, Erode and transfer the same to the file of the Subordinate Court, Kangeyam.

PRAYER in C.M.P:

To stay all further proceedings in FCOP No.9 of 2025 on the file of the Principal Subordinate Court, Erode.

For Petitioner : Ms.Karpagapriya

For Respondent : No appearance



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ORDER

Heard

2. This Transfer Civil Miscellaneous Petition is filed by wife under Section 24 C.P.C., seeking withdrawal of F.C.O.P. No.9 of 2025 pending on the file of the Principal Subordinate Judge, Erode and transfer of the same to the file of the Subordinate Court, Kangeyam.
3. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnised on 13.02.2014 as per Hindu rites and customs and out of the wedlock a female child is born, who is stated to be about 10 years and is in the care and custody of the petitioner. It is further stated that due to matrimonial discord, the petitioner is residing within the jurisdiction of Kangeyam and she has initiated proceedings, namely M.C. No.12 of 2024 and D.V.C. No.14 of 2025 on the file of the Judicial Magistrate Court, Kangeyam. While so, the respondent has filed F.C.O.P. No.9 of 2025 before the Principal Subordinate Judge, Erode seeking restitution of conjugal rights. The petitioner pleads difficulty in travelling from Kangeyam to Erode for each hearing, particularly when she has to take care of the minor child and when other proceedings are already pending at Kangeyam.



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4. Heard the learned counsel for the petitioner. Notice to the respondent. The

respondent, though served, has not chosen to appear / has no effective representation.

5. In matrimonial transfer petitions, the convenience of the wife, the existence of minor child, and the pendency of connected proceedings at the place where the wife resides, are relevant considerations while exercising power under Section 24 C.P.C. In the present case, the petitioner is stated to be residing at Kangeyam, having the custody of the minor girl child. The petitioner has also initiated maintenance and domestic violence proceedings before the Judicial Magistrate Court, Kangeyam. If F.C.O.P. No.9 of 2025 is continued at Erode, the petitioner would be compelled to undertake travel for every hearing, which would cause avoidable hardship. On the other hand, no serious prejudice would be caused to the respondent if the matter is tried at Kangeyam.

6. In view of the above circumstances, this Court is of the considered view that the ends of justice would be met by transferring F.C.O.P. No.9 of 2025 from the file of the Principal Subordinate Judge, Erode to the file of the Subordinate Court, Kangeyam.



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7. Accordingly, Tr.C.M.P. No.1350 of 2025 is allowed. F.C.O.P. No.9 of 2025

on the file of the Principal Subordinate Judge, Erode, is withdrawn and transferred to the file of the Subordinate Court, Kangeyam. The Principal Subordinate Judge, Erode, shall transmit the entire records to the Subordinate Court, Kangeyam, within three (3) weeks from the date of receipt of this order and the Subordinate Court, Kangeyam, 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.31467 of 2025 is closed. There shall be no order as to costs.

19.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. Principal Subordinate Court, Erode
2. Subordinate Court, Kangeyam



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DR. A.D. MARIA CLETE, J

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