



Tr.C.M.P.No.1352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.1352 of 2025

and

C.M.P.No.31477 of 2025

Rathna (F/A-35 yrs)
D/o.Masilamani
W/o.Palraj,
No.76, South Street, Udaiyarpalayam,
Ariyalur District.

... Petitioner

Vs.

Palraj (M/A-39 yrs)
S/o.Radhakrishnan,
No.2/49, North Seninatham Village,
Bhuvanagiri, Cuddalore District.

... Respondent

Prayer in Tr.C.M.P.No.1352 of 2025: Petition filed under Section 24 of CPC to withdraw the petition in O.P.No.191 of 2025 on the file of the Sub Court, Chidambaram and to order transfer of the same to the Sub Court at Jayankondam and thus render justice.

Prayer in C.M.P.No.31477 of 2025: Petition filed under Section 151 of CPC to stay all further proceedings in O.P.No.191 of 2025 on the file of the Sub Court, Chidambaram, pending disposal of the Transfer C.M.P.

For Petitioner : Mr.U.Kathiravan.

For Respondents : Mr.A.Muthukumar.



Tr.C.M.P.No.1352 of 2025

ORDER

Heard.

2. The petitioner/wife seeks withdrawal of H.M.O.P.No.191 of 2025 pending on the file of the Sub Court, Chidambaram, and transfer of the same to the file of the Sub Court, Jayankondam, which has been instituted by the respondent/husband seeking dissolution of marriage on the ground of cruelty.

3. The petitioner states that she is residing at Padanilai, Jayankondam, without independent income, dependent on her aged parents, and that the distance to Chidambaram, coupled with limited public transport, makes attendance on every hearing date onerous. She also pleads that she has no male member to accompany her and that repeated travel would affect her safety and well-being.

4. On the other hand, the learned counsel for the respondent strongly objected the petitioner's case for transfer by filing a counter stating that the distance between the petitioner's residence and Chidambaram, where the HMOP has been



Tr.C.M.P.No.1352 of 2025

instituted is 41 kms and the distance between the petitioner's residence and Virudhachalam where the transfer is sought for is 30 kms and thus, the difference is only 10kms and thus there would be no difficulty in travel and hence, sought for dismissal of this petition.

5. On the facts pleaded, insisting on the petitioner's repeated appearance at Chidambaram is likely to cause serious difficulty and place her at a clear disadvantage in defending the proceedings. On the other hand, transfer to Jayankondam would alleviate such hardship, and no comparable prejudice is shown to the respondent, particularly when he is stated to be employed abroad.

6. This Court, while considering transfer under Section 24 of C.P.C., is required to weigh the ends of justice and the comparative convenience of parties. In matrimonial proceedings, the convenience of the wife is a relevant consideration, particularly when she pleads difficulty in travelling to the Court where proceedings are instituted.



Tr.C.M.P.No.1352 of 2025

7. In the result, Tr.C.M.P.No.1352 of 2025 is allowed. H.M.O.P.No.191 of 2025

pending on the file of the Sub Court, Chidambaram is withdrawn and transferred to the file of the Sub Court, Jayankondam, for disposal in accordance with law. The Sub Court, Chidambaram shall transmit the entire records to the Sub Court, Jayankondam forthwith. The transferee Court shall take the matter on file on receipt of records and proceed in accordance with law. The connected miscellaneous petition is closed. No order as to costs.

22.01.2026

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Subordinate Court,
Chidambaram.

2.The Subordinate Court,
Jayankondam.

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Tr.C.M.P.No.1352 of 2025

DR. A.D. MARIA CLETE, J

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