



WEB COPY

TR CMP No. 1398 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. 1398 of 2025

and

CMP No. 32636 of 2025

G.Obethsekaran

..Petitioner

Vs

Stellamary

..Respondent

Prayer in TR CMP No. 1398 of 2025:Petition filed under section 24 of CPC to withdraw the said petition in I.D.O.P.No.173 of 2023 on the file of Principal District and Sessions Judge, Cuddalore and transfer the same to the court of Principal District and Sessions Judge at Villupuram.

Prayer in CMP No. 32636 of 2025:Petition to grant an order of ad-interim stay of all further proceedings in I.D.O.P.No.173 of 2023 on the file of principal District and Sessions Judge, Cuddalore (and the next hearing date is 23.01.2026) pending disposal of the main Transfer Civil Miscellaneous Petition.

For Petitioner(s): Mr.K.Ravi Kumar

For Respondent(s): Mr.N.U.Pressanna



Order

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the husband to withdraw I.D.O.P. No.173 of 2023 pending on the file of the Principal District and Sessions Judge, Cuddalore, and to transfer the same to the file of the Principal District and Sessions Judge, Villupuram.
3. The learned counsel for the petitioner submitted that the petitioner is residing at his permanent address at Thittakudi, and that the original proceedings are pending at Cuddalore. It is submitted that the petitioner has responsibilities in his work schedule around Villupuram and therefore, it will be easier for him to travel to Villupuram and attend the case. It is further submitted that between Cuddalore – Thittakudi and Cuddalore – Villupuram, the distance is more or less the same.
4. Per contra, the learned counsel for the respondent submitted that the respondent/wife is residing at Dharmapuri with two children and she is already travelling to Cuddalore to attend the restitution proceedings filed by the husband. In such circumstances, to ask the wife to travel again to the Court chosen by the petitioner at Villupuram would be unreasonable. It is also submitted that maintenance proceedings have been initiated and Also



that it is alleged that the petitioner husband has married and living with another person at Thitakudi. ; be that as it may, it is pointed out that the case is at the stage of evidence and therefore, transfer at this stage is unwarranted.

5. This Court has considered the rival submissions. The power under Section 24(1) C.P.C. is discretionary and is to be exercised to secure the ends of justice and to avoid undue hardship. In the facts of the present case, the respondent/wife is stated to be already attending the proceedings at Cuddalore, and the matter is stated to be at the stage of evidence. In such circumstances, this Court is not convinced that the balance of convenience lies in favour of the petitioner so as to order transfer at this stage, especially when the transfer sought would result in further travel burden on the respondent.

6. With the above observations, the Transfer Civil Miscellaneous Petition is liable to be dismissed. Tr.C.M.P. No.1398 of 2025 is dismissed. Consequently, C.M.P. No.32636 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 Principal District and Sessions Judge, Cuddalore
2. The Principal District and Sessions Judge at Villupuram.



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DR.A.D.MARIA CLETE J.

SHL

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