



WEB COPY

TR CMP No. 128 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No. 128 of 2026

AND

CMP NO. 3105 OF 2026

N. Divya Priya

..Petitioner(s)

Vs.

A.Nandha Kumar

.. Respondent

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C. 1908, to withdraw the Petition in H.M.O.P No. 69/2025 pending on the file of Principal Subordinate Court,Chengalpet and to Transfer the same to the file of Subordinate Court, Thiruvottiyur, Tiruvallur District .

For Petitioner(s) : Mr.V.P.Sheeba

For Respondent(s): No Appearance

ORDER

Heard the learned counsel for the petitioner.

2. Despite the receipt of notice, the respondent's name having been printed in the cause list, respondent neither appeared nor entered appearance through his counsel.



3. The petitioner, who is the respondent / wife in H.M.O.P.No.69 of 2025 on the file of the Principal Subordinate Court, Chengalpattu which is filed for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955, has filed this Transfer Civil Miscellaneous Petition seeking to transfer the said H.M.O.P. to the file of Subordinate Court, Thiruvottiyur, Tiruvallur District by stating that she is not in a position to travel from Thiruvottiyur to Chengalpattu.

4. Reiterating the said contention, the learned counsel for the petitioner would further add that she is living in her parents' home along with her two and half years old child at Thiruvottiyur and she finds it difficult to travel from Thiruvottiyur to Chengalpattu for all the hearing dates.

5. The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled by the Hon'ble Supreme Court in the following cases:-

"i. In AIR 2000 SC 3512 (1) (Mona Aresh Goel vs. Aresh Satya Goel), when the wife pleaded that she was unable to bear the traveling expenses and even to travel alone and stay at Bombay, the Supreme Court ordered transfer of proceedings.

ii. In 2000 (10) SCC 304 (Geeta Heera Vs. Harish Chander Heera), the Hon'ble Supreme Court has held that where the petitioner's wife has pleaded lack of money, the same has to be considered.

iii. In Lalita A. Ranga Vs. Ajay Champalal Ranja reported in (2009) 9 SCC 355 , wherein the wife, who



was having small child and she was finding it difficult to travel from Jaipur to Bombay, and the Hon'ble Apex Court accepting her request ordered the transfer petition in favour of the wife transferring the transfer petition from Family Court at Bandra in Mumbai to the Family Court at Jaipur."

6. On perusal of petition filed in H.M.O.P.No.69 of 2025, it appears that petitioner/husband is the resident of Thirukazhakundram, Chengalpattu District and the respondent/wife is resident of Thiruvottiyur, Tiruvallur District.

7. In consideration of the above said details, the request of the petitioner herein / wife appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, H.M.O.P.No.69 of 2025 pending on the file of the Principal Subordinate Court, Chengalpattu is withdrawn and transferred to the file of the Subordinate Court, Thiruvottiyur, Tiruvallur District. The Subordinate Court, Thiruvottityur on receipt of the records to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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R.KALAIMATHI, J.

KKD

To

1. The Principal Subordinate Court, Chengalpattu.
2. The Subordinate Thiruvottiyur, Tiruvallur District.

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