

Jayalakshmi vs K.Prakash

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Court : Chennai

Decided On : Jan-02-2026

Judge : Honourable Dr.Justice a.D.Maria Clete

Appeal No. : TR CMP/424/2025

Appellant : Jayalakshmi

Respondent : K.Prakash

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE and CMP
No.9888 of 2025 Jayalakshmi ... Petitioner

Vs K.Prakash ... Respondent Prayer in Tr.C.M.P. No.424 of 2025:Petition
filed under Section 24 of C.P.C., to withdraw the proceedings in
H.M.O.P. No.192 of 2023 from the file of the Sub Court, Ambattur and
transfer the same to the file of the Family Court, Chennai. Prayer in
C.M.P. No.9888 of 2025:Petition filed to stay all further proceedings in

H.M.O.P. No.192 of 2023 on the file of the Sub Court, Ambattur, pending disposal of the Transfer C.M.P.

For Petitioner : Mr.B.Devakumar For Respondent : Mr.G.Prakash

ORDER

1.Heard. 2.This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking withdrawal of H.M.O.P. No.192 of 2023 pending on the file of the Sub Court, Ambattur, and to transfer the same to the file of the Family Court, Chennai. 3.The petitioner would state that the marriage between the parties was solemnized on 24.05.2021 at Arulmigu Sridevi Karumariamman Thirukoil, Thiruverkadu, Chennai, as per Hindu rites and customs and that there is no issue out of the wedlock.

4. It is the case of the petitioner that she is residing with her parents at Chennai; that she is dependent on them and is unable to attend the proceedings at Ambattur independently; that the respondent has instituted the divorce proceedings at Ambattur; and that the petitioner is also suffering from back pain and the very object of the respondent is to harass her by compelling repeated travel. 5.The petitioner has further pleaded threat perception and harassment, including that she was threatened and thereafter she gave a complaint on 21.06.2023 before the All Women Police Station, Ambattur, and that she is afraid to attend the Court at Ambattur without assistance.

6. The learned counsel for the respondent has submitted that the petitioner/wife had

already filed a petition in HMOP No.1027 of 2022 seeking restitution of conjugal rights before the Subordinate Court at Poonamallee. Further, he submitted that the petitioner/wife is residing at Ayapakkam which is nearby Poonamallee. Hence, he has no objection to transfer the H.M.O.P. No.192 of 2023 pending on the file of the Sub Court, Ambattur to the Subordinate Court at Poonamallee. The learned counsel for the

petitioner also requested to consider transfer of the matter to Subordinate Court at Poonamallee.

7. This Court has considered the above pleadings.

8. In petitions for transfer of matrimonial proceedings under Section 24 C.P.C., the paramount consideration is to secure ends of justice by ensuring effective access to

Court and balancing convenience of wife. When the wife pleads genuine hardship and safety concerns, and when transfer would not cause any serious prejudice to the husband, the Court would ordinarily lean in favour of transfer to avoid multiplicity of hardship and to ensure fair opportunity.

9. Considering the submissions made by the learned counsel for the parties and in the interest of justice as also the fact remains that the HMOP petition filed by the petitioner/wife for restitution of conjugal rights is pending before the Sub Court, Poonamallee, this Court is of the view that it would be appropriate to transfer the HMOP No.192 of 2023 to the file of the Sub Court, Poonamallee.

10. Accordingly, H.M.O.P. No.192 of 2023 on the file of the Sub Court, Ambattur, is withdrawn and transferred to the file of the Sub Court, Poonamallee. The Sub Court, Ambattur, shall transmit the entire records to the Sub Court, Poonamallee, within three (3) weeks from the date of receipt of a copy of this order and the Sub Court, Poonamallee shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order.

11. With the above observation and direction, this transfer civil miscellaneous petition is disposed of. Interim stay granted by this Court on 24.04.2025 shall stand vacated and C.M.P. No.9888 of 2025 is closed. There shall be no order as to costs. 02.01.2026 mfa Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No To

1. Sub Court, Ambattur.

2. Sub Court, Poonamallee DR. A.D. MARIA CLETE, J mfa and CMP No.9888 of 2025 02.01.2026

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