

L.Aruna vs S.Sivakumar

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Court : Chennai

Decided On : Apr-01-2026

Judge : Honourable Mrs.Justice R. Kalaimathi

Appeal No. : TR CMP/1053/2024

Appellant : L.Aruna

Respondent : S.Sivakumar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE Mrs.JUSTICE R. KALAIMATHI AND C.M.P.No.22908 of 2024 L.Aruna ..Petitioner(s) Vs. S.Sivakumar ..Respondent(s) Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.809 of 2022 before the Subordinate Court, Alandur and transfer to III Additional Principal Judge, Family Court, Chennai to try along with MC.No.261 of 2024. For Petitioner(s) : Mr.J.Kamaraj For Respondent(s): Mr.A.E.Ravi Chandran

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent. 2.The respondent in H.M.O.P.No.809 of 2022 pending on the file of the Sub Court, Alandur, is the petitioner herein. 3.The petitioner/wife would aver that she is residing with her parents in West K.K.Nagar, Chennai, along with her child, who is studying kindergarden. She would also further aver that she finds it difficult to travel from Chennai to Alandur for every Court hearing. 4.Under such circumstances, she has filed this Transfer Civil Miscellaneous Petition seeking to transfer the H.M.O.P.No.809 of 2022 filed by the respondent/husband, which is pending on the file of the Sub Court, Alandur to the file of the III Additional Principal Family Court, Chennai. 5.The learned counsel for the respondent/husband would contend that the distance between Alandur and K.K.Nagar is not too far and would contend that the points set out in the petition are not sustainable. 6.The principles regarding transfer petitions, more specifically in the matters of matrimonial cases are well settled by the Honble 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 Honble Supreme Court has held that where the petitioner's wife has pleaded lack of money, the same has to be considered.

iii. In (2009) 9 SCC 355 (Lalita A. Ranga Vs. Ajay Champalal Ranja), wherein the wife, who was having small child and she was finding it difficult to travel from Jaipur to Bombay, and the Honble 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.

7. On perusal of the petition filed in H.M.O.P.No.809 of 2022, it appears that the petitioner/wife is resident of West K.K.Nagar, Chennai and the respondent/husband is resident of Pallaravam, Chennai. It appears that the petitioner/wife has instituted M.C.No.261 of 2024 and it is pending before the III Additional Principal Family Judge, Chennai. 8. In consideration of the above said details, the request of the petitioner/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.809 of 2022 is ordered to be withdrawn from the file of the Sub Court, Alandur and transferred to the file of the III Additional Principal Family Court, Chennai, for a simultaneous trial with M.C.No.261 of 2024. The learned III Additional Principal Judge, Family Court, Chennai, on receipt of the records, shall take effective steps to dispose of the matter in accordance with law at the earliest. No Costs. Connected C.M.P. is closed. Index: Yes/No Neutral Citation: Yes/No
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R.KALAIMATHI, J.

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1. The Sub Judge Alandur
2. The III Additional Principal Judge Family Court, Chennai

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