



WEB COPY

Tr.CMP No.1176



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1176 of 2025

and

CMP No.26503 of 2025

S.Jayasri

...Petitioner(s)

Vs.

K.Rajesh

...Respondent(s)

Prayer in Tr.CMP No.1176 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleaded to withdraw the H.M.O.P.No.1226 of 2025 on the file of the Family Court, Madurai and transfer the same to the Family Court, Chennai by appreciating the above said facts and circumstance of the case and thus render justice.

Prayer in CMP No.26503 of 2026: Petition filed under Section 151 of Code of Civil Procedure, pleaded to stay all further proceedings in H.M.O.P.No.1226 of 2025 on the file of the Family Court, Madurai pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Ms.K.Sumathi.

For Respondent(s) : No appearance.



ORDER

Heard.

WEB COPY

2.The petitioner/wife seeks transfer of H.M.O.P. No.1226 of 2025 now pending on the file of the Family Court, Madurai, to the competent Family Court at Chennai.

3.The petitioner submits that she is presently residing at Medavakkam, Chennai, and she is a nursing mother, having the care of a female infant child.

4. The respondent/husband is stated to be residing in Texas, United States of America, and the matrimonial proceedings have been instituted by him through his father as Power of Attorney holder.

5.There is no appearance for the respondent.

6. In transfer petitions arising out of matrimonial proceedings, the Court has to consider the realities of travel and effective participation in proceedings. In the present case, the petitioner—being a nursing mother having the infant child in her care and residing at Chennai—would face substantial hardship if she is compelled



to attend proceedings at Madurai. Conversely, when the respondent is residing abroad and prosecuting the matter through a Power of Attorney holder, no comparable prejudice is demonstrated if the proceedings are held at Chennai.

7. Having regard to the above circumstances and for ensuring effective access to justice, the transfer sought deserves to be allowed.

8. Accordingly, Tr.C.M.P. No.1176 of 2025 is allowed and H.M.O.P. No.1226 of 2025 on the file of the Family Court, Madurai is withdrawn and transferred to the file of the Family Court at Chennai. The Family Court, Madurai, shall transmit the entire records to the Family Court, Chennai, within three(3) weeks from the date of receipt of a copy of this order and the Family Court, Chennai, shall dispose of the matters, in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this Court on 31.10.2025 shall stand vacated and CMP No.26503 of 2025 is closed. No costs.

27.01.2026

Index:Yes/No
Neutral Citation:Yes/No
Internet:Yes
dsn



WEB COPY

Tr.CMP No.1176



DR. A.D.MARIA CLETE

dsn

To

1. The Family Court, Madurai.
2. The Family Court, Chennai.

TR CMP No.1176 of 2025
and CMP No.26503 of 2025

27.01.2026