



WEB COPY

TR CMP No. 444 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**TR CMP No. 444 of 2025
& CMP.No.10329 of 2025**

R. Santhiya

..Petitioner(s)

Vs

R. Raghul

..Respondent(s)

To transfer the FCOP.No.254/2023 on the file of Honourable Family Court, Vellore to the file of the Family Court, Villupuram.

For Petitioner(s):	M/s.Aditya Chandramouli
For Respondent(s):	Mrs.K.Parveen Fathima for Ms.D.Prasenna

ORDER

The petitioner seeks transfer of FCOP.No.254 of 2023 from the file of the Family Court, Vellore, to the file of the Family Court, Villupuram.

2. Heard the learned counsel for the petitioner and the learned counsel representing the respondent.

3. The learned counsel for the petitioner would state that there are two parallel proceedings, one initiated by the petitioner-wife for restitution of

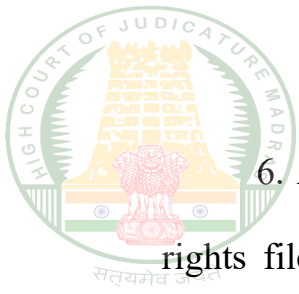


conjugal rights under Section 9 of the Hindu Marriage Act and another by the respondent-husband in FCOP.No.254 of 2023 on the file of the Family Court,

Vellore. The proceedings filed for restitution of conjugal rights are pending in H.M.O.P.No.171 of 2024 on the file of the Family Court, Villupuram, where the petitioner has also filed MC proceedings, which is also pending. The learned counsel for the petitioner would also bring to my notice that a child of tender age 1 ½ years is in the custody of the petitioner and hence, the petitioner finding it really inconvenient and is also seriously prejudiced in being compelled to attend the proceedings at Vellore. She would in any event contend that since the divorce petition and restitution petition are pending, the same ought to be tried jointly to avoid multiplicity of proceedings and conflicting orders.

4. The learned counsel for the respondent would state that though the respondent is willing to settle the matter amicably, the petitioner did not come forward to attend the mediation proceedings, despite the matter being sent to the mediation centre. She would therefore state that the transfer petition is filed only to protract the proceedings and harass the respondent further.

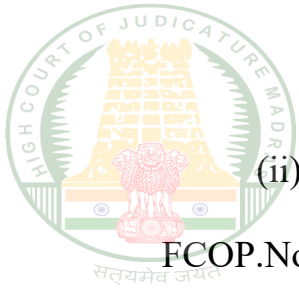
5. I have carefully considered the submissions advanced by the learned counsel on either side.



6. Admittedly, there are two proceedings, one for restitution of conjugal rights filed by the wife and another for dissolution of marriage filed by the husband. Both these proceedings will have to necessarily be jointly tried to avoid multiplicity of proceedings, as well as conflicting orders. Hence, I see reason for the request for transfer. Moreover, the inconvenience caused to the petitioner has also been set out, since the petitioner has custody of a child aged 1 ½ years and the petitioner will not be in a position to travel all the way to Vellore to attend the proceedings initiated by the respondent for dissolution of marriage in FCOP.No.254 of 2023. In the light of the above, I am inclined to accede to the request of the petitioner seeking transfer.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered and the proceedings in FCOP.No.254 of 2023 is hereby withdrawn from the file of the Family Court, Vellore and transferred to the file of the Family Court, Villupuram, to be jointly tried with HMOP.No.171 of 2024 filed by the petitioner under Section 9 of the Hindu Marriage Act. The following additional directions are also issued in the manner following:

(i) Pleadings shall be completed in HMOP.No.171 of 2024, within a period of six weeks from the date of receipt of bundles from the Family Court, Vellore. Till such time, the proceedings in FCOP.No.254 of 2023 shall remain stayed.



(ii) Upon completion of pleadings, evidence shall be recorded in FCOP.No.254 of 2023 and both the cases shall be jointly tried and disposed of expeditiously, on or before 31.05.2027.

(iii) No costs. Connected Civil Miscellaneous Petitions are closed.

07-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ATA

To

1.The Family Court, Vellore.

2.The Family Court, Villupuram.



WEB COPY

TR CMP No. 444 of 2



P.B.BALAJI, J.

ATA

TR CMP No. 444 of 2025

07-07-2026