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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

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

**Tr.CMP.No.603 of 2026
& CMP.No.16817 of 2026**

Samahath Sifana

..Petitioner(s)

Vs

M.Mohamed Anwar Deen

..Respondent(s)

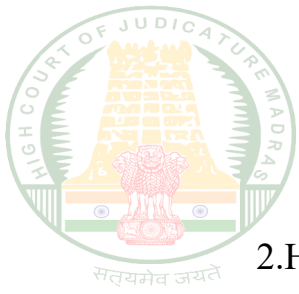
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the proceedings in O.S.No.84 of 2025 on the file of the District Munsif Court, Tiruvottiyur and transfer the same to the District Family Court, Tirupur, to try along with O.S.No.28 of 2026, on the file of the Family Court, Tirupur.

For Petitioner(s): Mr.S.Vijayakumar

For Respondent(s): Mr.M.Sarfudeen Ali Ahamed

ORDER

This transfer application has been filed seeking transfer of O.S.No.84 of 2025 from the file of the District Munsif Court, Tiruvottiyur, to the file of the District Family Court, Tiruppur, to be tried along with O.S.No.28 of 2026.

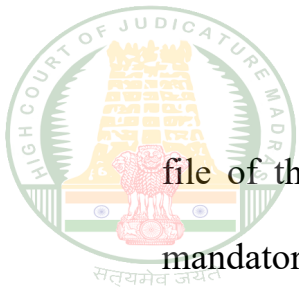


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2. Heard Mr.S.Vijayakumar, learned counsel appearing for the petitioner and Mr.M.Sarfudeen Ali Ahamed, learned counsel appearing for the respondent.

3. The learned counsel for the petitioner states that the petitioner is the wife, who has custody of two children and she is living at Tiruppur, along with her aged parents. He would further state that the petitioner has also filed a suit for restitution of conjugal rights in O.S.No.28 of 2026, which is pending before the Family Court, Tiruppur. However, the respondent-husband has filed O.S.No.84 of 2025 before the Principal District Munsif Court, Tiruvottiyur. The petitioner expresses inconvenience to attend the proceedings before the Principal District Munsif Court, Tiruvottiyur since it is situate 400 kms away from the place of her residence and she is unable to travel alone, leaving her young children in the custody of the aged parents. The learned counsel for the petitioner would therefore state that it is for the sake of convenience which has been an accepted rule by the Hon'ble Supreme Court, as well as this Court, the proceedings filed by the husband may be transferred to the file of the Family Court at Tiruppur, for joint trial along with O.S.No.28 of 2026.

4. Per contra, the learned counsel for the respondent-husband states that the respondent is working abroad and if the suit filed by him is transferred to the



file of the Family Court, Tiruppur, the presence of the respondent would be mandatory for all hearings which would not be practically possible considering his employment abroad.

5.Considering the above and in order balance equity, I am inclined to allow the transfer application in the following manner:

(i) The Transfer Civil Miscellaneous Petition is allowed and the proceedings in O.S.No.84 of 2025 is hereby withdrawn from the file of the District Munsif Court, Tiruvottiyur and transferred to the file of the Family Court, Tiruppur, to be jointly tried along with O.S.No.28 of 2026, in order to avoid multiplicity of proceedings and conflicting orders;

(ii) The Family Court, Tiruppur, on receipt of the case bundles from the District Munsif Court, Tiruvottiyur in O.S.No.84 of 2025, shall jointly try the said divorce proceedings, along with the restitution of conjugal rights suit in O.S.No.28 of 2026 pending on its file already. The Family Court, Tiruppur, shall not ordinarily insist on the physical presence of the respondent-husband.

(iii) The respondent-husband may be given an option to appear through Video Conferencing or also engage a counsel to represent him before the Family Court, Tiruppur. In any event, for the hearings, where his presence would be mandatory, subject to availability of examination by Video Conferencing, the respondent shall make himself available in person, for his chief and cross examination;



(iv) There shall be no order as to costs. Connected Civil Miscellaneous

Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ATA

To

- 1.The Principal District Munsif Court, Tiruvottiyur.
- 2.The Family Court, Tiruppur.



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P.B.BALAJI, J.

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