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Tr.CMP.No.147 of 2025
& Tr.CMP.No.173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.CMP.No.147 of 2025
& Tr.CMP.No.173 of 2025
and CMP.Nos.2855 & 3486 of 2025

Smrithi Balakrishnan Raju ... Petitioner in Tr.CMP.No.147 of 2025
... Respondent in Tr.CMP.No.173 of 2025

Vs.

Mohammad Mastan Sharfudden ... Respondent in Tr.CMP.No.147 of 2025
... Petitioner in Tr.CMP.No.173 of 2025

Prayer in Tr.CMP.No.147 of 2025 : Transfer Petition filed under Section 24 of Civil Procedure Code praying to withdraw OP.No.5005 of 2024 pending on the file of the Principal Family Court, Chennai and transfer the same to the file of learned Family Court at Chengalpet and grant such other reliefs as this Court may deem fit under the facts and circumstances of the case.



Tr.CMP.No.147 of 2025
& Tr.CMP.No.173 of 2025

Prayer in Tr.CMP.No.173 of 2025 : Transfer Petition filed under Section 24 of Civil Procedure Code praying to withdraw and transfer the suit in F.C.S.M.O.P.No.76 of 2023 pending on the file of the Family Court, Chengalpattu, Chengalpattu District to Principal Family Court at Chennai to try along with S.M.O.P.No.5005 of 2024 pending on the file of Principal Family Court at Chennai and grant such other reliefs as this Court may deem fit under the facts and circumstances of the case.

In Tr.CMP.No.147 of 2025 :

For Petitioner : Ms.Sudha Ramalingam
For Respondent : Mr.G.Anandaraj

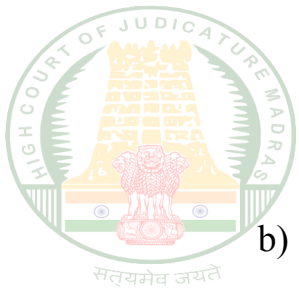
In Tr.CMP.No.173 of 2025 :

For Petitioner : Mr.G.Anandaraj
For Respondent : Ms.Sudha Ramalingam

COMMON ORDER

The above Transfer CMPs have been filed by the wife and respondent respectively as detailed below :

- a) The wife had filed Tr.CMP.No.147 of 2025 seeking to withdraw OP.No.5005 of 2024 pending on the file of the Principal Family Court, Chennai and transfer the same to the file of Family Court at Chengalpet.



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b) The husband had filed Tr.CMP.No.173 of 2025 to withdraw the suit in F.C.S.M.O.P.No.76 of 2023 pending on the file of the Family Court, Chengalpattu, and transfer the same to Principal Family Court at Chennai, to be tried along with S.M.O.P.No.5005 of 2024 pending on its filed.

2. For the sake of convenience and ease understanding, the parties would be referred to as per their ranking in Tr.CMP.No.147 of 2025.

3. The brief facts are that the petitioner and the respondent have married under the Special Marriage Act on 28.06.2018 before the Sub Registrar, Neelankarai. Out of the wedlock, a daughter was born to them, who is now aged about four years. Later, they had fallen apart due to various reasons. It appears that the wife had gone in search of employment to the United Kingdom and she had also taken her daughter with her. Thereafter, she had filed a petition for divorce on the ground of cruelty in O.P.No.76 of 2023 before the Family Court, Chengalpet, which is now at the stage of trial and posted for cross-examination of the wife. Since the wife was employed in U.K., she filed a petition to fix the date for trial.



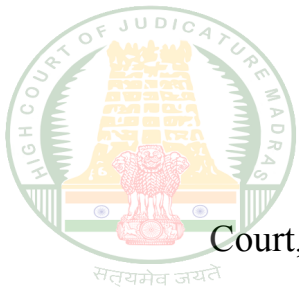
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Accordingly, the date of trial was fixed between 27.01.2025 and 11.02.2025, on which dates the petitioner could come down to India and depose.

4. When the matter in O.P.No.76 of 2023 was in the stage of cross-examination of the wife, the respondent-husband had filed OP.No.5005 of 2024 on the file of Principal Family Court, Chennai, for restitution of conjugal rights. Therefore, the petitioner-wife had filed Tr.CMP.No.147 of 2025 to withdraw OP.No.5005 of 2024 pending on the file of the Principal Family Court, Chennai and transfer the same to the file of Family Court at Chengalpet, to be tried along with O.P.No.76 of 2023. Similarly, the respondent has filed Tr.CMP.No.147 of 2025, wherein he had sought for the transfer of O.P.No.76 of 2023 pending on the file of Family Court, Chengalpattu, to the Principal Family Court at Chennai, to be tried along with O.P.No.5005 of 2024 filed by him for restitution of conjugal rights.

5. Heard the learned counsel on either side.

6. Admittedly, O.P.No.76 of 2023 pending on the file of Family



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Court, Chengalpattu, is at part-heard stage. Both the wife as well as the husband are not residing at either of the place where the litigations are pending. The wife is presently residing at U.K. and she is appearing through online and the husband is the permanent resident of Rajahmundry, Andhra Pradesh.

7. Considering the fact that the divorce petition filed by the wife before the Family Court, Chengalpattu, is at part heard stage, it would not be appropriate at this point of time to transfer the same to a Court where a petition has been filed by the husband for restitution of conjugal rights, a year later, that too when the same is still at the stage in which the pleadings are yet to be completed. Therefore, Tr.CMP.No.147 of 2025 filed by the wife is allowed and consequently, OP.No.5005 of 2024 now pending on the file of the Principal Family Court, Chennai, is withdrawn and transferred to Family Court at Chengalpet.

8. In view of the fact that this Court had allowed the Tr.CMP.No.147 of 2025, consequently, Tr.CMP.No.173 of 2025 has to go and accordingly, it is dismissed. However, a direction is issued to the Family Court,



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Chengalpattu, to permit the husband to appear via video conferencing, which is the facility the wife enjoys. The Family Court, Chengalpattu is directed to conduct joint trial, after the pleadings are completed in OP.No.5005 of 2024, filed by the husband. No costs. Consequently, connected miscellaneous petitions are closed.

28.03.2025

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

- 1.The Judge
Principal Family Court, Chennai.
- 2.The Judge
Family Court, Chengalpet.
- 3.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

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