



Tr.CMP.No.225 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.225 of 2024
and CMP.No.4415 of 2024

Neelambari

... Petitioner

vs.

T.Thileepan

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the HMOP.No.274 of 2023 on the file of the Hon'ble Family Court, Trichirappalli and transfer the same to Hon'ble Sub Court at Ambattur to try along with HMOP.No.1193 of 2023 on the file of Hon'ble Sub Court, Ambattur.

For Petitioner : M/s.A.Lakshmi Rajarathinam

For Respondent : Mrs.P.Uma for respondent

ORDER

The petitioner / wife filed this petition to withdraw H.M.O.P.No.274 of 2023 on the file of the Family Court, Trichirappalli and transfer the same to the Sub Court at Ambattur to try along with HMOP.No.1193 of 2023.



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2. Heard both sides and perused the materials on record.

3. It is stated in the affidavit that the marriage between the petitioner/wife and the respondent / husband was solemnized on 14.11.2018 and out of wedlock, one male child was born, namely Master Subiksum. The respondent / husband filed a petition under Guardian and Wards Act for custody of the child in GWOP.No.273 of 2023 and also HMOP.No.274 of 2023 seeking divorce and both the cases are pending on the file of the Family Court, Tiruchirapalli. The petitioner/wife has filed HMOP.No.1193 of 2023 on the file of the Sub-Court, Ambattur for restitution of conjugal rights and the same is pending.

4. The learned counsel appearing for the petitioner would submit that the petitioner is dependant on the income of her parents to meet out her day to-day expenses and therefore, she cannot offer to travel to Trichy to attend the hearings at the Family Court at Tiruchirappalli.



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5. *Per contra*, learned counsel appearing for the respondent/husband would submit that the petitioner/wife has sufficient means to lead her life and also she can afford to travel for every hearings to the Family Court at Tiruchirappalli and if the case is transferred to the Sub-Court at Ambattur, he would be put to irreparable loss and hardship.

6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled that if two petitions are filed under Hindu Marriage Act, 1955, one for restitution of conjugal rights and another case is for divorce, in order to avoid conflicting decisions, it is expedient that both cases are decided by the same Court. Evidence in the two cases should be recorded one after the other, arguments should be heard separately and thereafter, separate judgments should be delivered on one day [*Ajay Lawania v. Shobhna Dubey reported in (2010) 15 SCC 354*].

7. Considering the facts and circumstances of the case and keeping in mind the ratio laid down by the Hon'ble Apex Court in the above cited decision, this



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Court is of the view that no prejudice would be caused to the respondent / husband if the case in HMOPNo.274 of 2023 is withdrawn from the file of the Family Court at Tiruchirapalli and transferred to the file of the Sub-Court, Ambattur to be tried along with HMOP.No.1193 of 2023.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the case in HMOP.No.274 of 2023 on the file of the Family Court, Trichirappalli is withdrawn and transferred to the file of Sub Court, Ambattur to be tried along with HMOP.No.1193 of 2023. No costs. Consequently, connected miscellaneous petition is closed.

17.09.2025

Intex : Yes/No
Internet : Yes/No
Jvm

To
1.The Family Court,
Tiruchirapalli.

2. The Sub-Court,
Ambattur.



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M.JOTHIRAMAN, J.

Jvm

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