



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. Nos.489& 463 of 2025

Tr.C.M.P.No.1352 of 2024

and

C.M.P.Nos.11633 & 10881 of 2025

and

C.M.P.No.29204 of 2024

Tr.C.M.P. Nos.489& 463 of 2025

Durga Devi

... Petitioner

Vs.

Jegatheesan

... Respondent

Tr.C.M.P.No.1352 of 2024

Jagadeesan

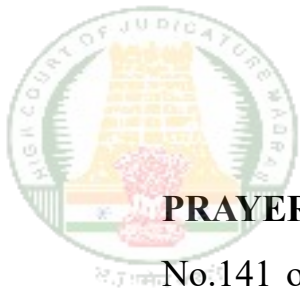
... Petitioner

Vs.

Durgadevi

... Respondent

PRAYER in Tr.C.M.P.No.489 of 2025 : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the HMOP No.141 of 2024 pending before the Subordinate Court, Mettur to the Subordinate Court, Arakkonam.



PRAYER in C.M.P.No.11633 of 2025: To stay further proceedings in HMOP No.141 of 2024 pending on the file of Subordinate Court, Mettur till disposal of the transfer original petition.

PRAYER in Tr.C.M.P.No.463 of 2025 : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to transfer GWOP No.193 of 2024 pending on the file of the Subordinate Court, Mettur to the Subordinate Court, Arakkonam.

PRAYER in C.M.P.No.10881 of 2025: To stay further proceedings in GWOP No.193 of 2024 pending on the file of the Subordinate Court, Mettur till the disposal of this Transfer Original Petition.

PRAYER in Tr.C.M.P.No.1352 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.139 of 2024 pending on the file of the Subordinate Court, Arakkonam and to transfer the same to the file of the Subordinate Court, Mettur where already the petition for restitution of conjugal rights in H.M.O.P.No.141 of 2024 pending.

PRAYER in C.M.P.No.29204 of 2024: To stay of all further proceedings in HMOP No.139 of 2024 pending on the file of the Subordinate Court, Arakkonam, pending disposal of the above transfer C.M.P.

For Petitioner : Mr.R.Ganesan

For Respondent : Mr.A.Ashok Kumar



COMMON ORDER

Heard.

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2. These petitions arise out of a matrimonial dispute between the parties, who were married on 02.02.2017 and have a male child, J.Sathyan, born on 31.07.2018. The wife has instituted H.M.O.P.No.139 of 2024 before the Sub Court, Arakkonam, seeking divorce. The husband has filed H.M.O.P.No.141 of 2024 for restitution of conjugal rights and G.W.O.P.No.193 of 2024 for guardianship of the minor child before the Sub Court, Mettur.

3. The wife seeks transfer of H.M.O.P.No.141 of 2024 and G.W.O.P.No.193 of 2024 from Mettur to Arakkonam by way of Tr.C.M.P.Nos.489 and 463 of 2025. The husband, by Tr.C.M.P.No.1352 of 2024, prays for transfer of H.M.O.P.No.139 of 2024 from Arakkonam to Mettur.

4. The wife asserts that she resides at Arakkonam with the minor child, is employed on a modest salary, and is solely responsible for the child's schooling and day-to-day needs. She alleges a history of physical and emotional abuse, including an incident of confinement in a farmhouse, and states that the husband enjoys considerable local influence at Mettur. She contends that travelling repeatedly to Mettur with the minor would cause severe financial strain, expose her to intimidation, and disrupt the child's education.



5. It is not in dispute that the minor has been living with the mother. In H.C.P.No.2532 of 2024, this Court interacted with the child, then aged about 7, and recorded that he expressed his willingness to live with his mother; the Habeas Corpus Petition was consequently dismissed, holding that the child was not in illegal detention. That order, though not decisive of final custody, is a relevant circumstance while considering the child's welfare and the balance of convenience at the transfer stage.

6. The minor's present residence and schooling are at Arakkonam. It is also desirable that all three original petitions – H.M.O.P.Nos.139 and 141 of 2024 and G.W.O.P.No.193 of 2024 – be tried by one Court to avoid conflicting findings and multiplicity of evidence.

7. Having regard to the welfare of the child, the financial and social position of the parties, the earlier order in the Habeas Corpus Petition this Court is satisfied that the balance of convenience decisively tilts in favour of the wife and the minor child.

8. Accordingly, Tr.C.M.P.Nos.463 and 489 of 2025 are allowed. Tr.C.M.P.No.1352 of 2024 is dismissed. G.W.O.P.No.193 of 2024 and H.M.O.P.No.141 of 2024, now pending on the file of the Subordinate Court, Mettur, are withdrawn and transferred to the file of the Subordinate Court,

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Arakkonam, to be tried and disposed of along with H.M.O.P.No.139 of 2024 in accordance with law and as expeditious as possible. The Subordinate Court, Arakkonam shall dispose of the matters as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this court on 09.06.2025 in C.M.P.No.11633 of 2025 shall stand vacated and C.M.P.No.11633 of 2025 is closed. Interim stay already granted by this Court on 30.04.2025 in C.M.P.No.10881 of 2025 shall stand vacated and C.M.P.No.10881 of 2025 is closed. Consequently, connected C.M.P.No.29204 of 2024 is dismissed. There shall be no order as to costs.

09.12.2025

mfa/dpq

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



To
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1.The Subordinate Court,
Mettur.

2.The Subordinate Court,
Arakkonam.

DR. A.D. MARIA CLETE, J

mfa/dpq



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