



Tr.C.M.P.No.478 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.06.2025

CORAM:

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

Tr.C.M.P.No.478 of 2025 and C.M.P.No.11277 of 2025

K.Sugumari Petitioner

VS

Kathiravan ... Respondent

Tr.Civil Revision Petition filed under Section 24 of Civil Procedure Code seeking to withdraw HMOP No.5490 of 2024 pending on the file of II Additional Principal Family Cour, Chennai and transfer the same to the file of Principal Subordinate Judge, Tambaram.

For Petitioner : Mr.Ifran Basha

For Respondent : Mr.K.Subburanga Bharathi

ORDER

Though the respondent/husband has taken out an application to vacate the stay of the order dated 02.06.2025 passed in CMP No.11277 of 2025, with the consent of the learned counsel on either side, the main Tr.C.M.P is taken up for final disposal.

2. Learned counsel for the petitioner states that the petitioner is



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residing at Vengaivasal which is located in interior parts, far away from Tambaram and further submits that Family Court, Chennai would be very inconvenient for her to attend the hearings and further submits that 2 ½ years child is studying in a nearby play school and nobody is there to take care of the child, except the petitioner/wife.

3. Learned counsel for the petitioner relies on the decision of the Hon'ble Supreme Court in ***Rajesh Kishor Pardeshi vs Kishor Babulal Pardeshi Transfer Petition (Civil) No.507 of 2004 dated 18.02.20205***, where the Hon'ble Supreme Court has held that the convenience of the wife is to be preferred over the convenience of the husband.

4. In the present case, admittedly after attending counselling sessions before the Family Court, Chennai, the petitioner/wife has filed a petition for restitution of conjugal rights under Section 9 of the Hindu Marriages Act, which is also numbered as HMOP No.144 of 2025 and the same is pending before Sub Court, Tambaram.

5. In view of the fact that both the divorce proceedings as well as the proceedings for restitution of conjugal rights have to be tried jointly in order



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to avoid conflicting orders and taking into account the paramount factor being convenient to wife, I deem it fit to transfer HMOP No.5490 of 2024 from the file of II Additional Principal Family Court, Chennai to Subordinate Court, Tambaram to be tried along with HMOP No.144 of 2025.

6. Accordingly, the II Additional Principal Family Court, Chennai is directed to send the entire records relating to HMOP No.5490 of 2024 to Subordinate Court, Tambaram forthwith.

7. It is made clear that the respondent/husband's physical presence shall not be insisted upon by the Subordinate Court, Tambaram except for the hearings where it is absolutely necessary for e.g., either for chief examination or cross examination.

8. The Subordinate Court, Tambaram shall expedite the joint trial of both these proceedings, complete pleadings within a period of six weeks from the date of receipt of a copy of this order and dispose of both HMOP

P.B.BALAJI.,J.

sr

No.5490 of 2024 and HMOP No.144 of 2025 on merits and in accordance



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with law on or before 31.01.2026.

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9. With the above direction, Tr.C.M.P.No.478 of 2025 is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

19.06.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-Speaking Order
sr

To

1. The II Additional Family Court, Chennai
2. The Subordinate Court, Tambaram

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