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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. No.713 of 2024

and

C.M.P.No.15486 of 2024

G.Priya

... Petitioner

Vs

S.Gokulakrishnan

... Respondent

PRAYER in Tr.C.M.P.No.713 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.353 of 2024 filed by the respondent pending on the file of the Sub Court, Alandur and transfer the same to the III Additional Family Court, Chennai to be clubbed and tried along with HMOP.No.1734 of 2024.

PRAYER in C.M.P.No.15486 of 2024: Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to pass an order of interim stay of all further proceedings in HMOP No.353 of 2024 pending on the file of the Sub Court, Alandur, pending disposal of the above Transfer CMP.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.John Kennedy

ORDER



Heard.

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2. The petitioner / wife of the respondent, has filed this Transfer Civil Miscellaneous Petition under Section 24 of the Code of Civil Procedure seeking withdrawal of H.M.O.P. No.353 of 2024 pending on the file of the Sub Court, Alandur, and transfer of the same to the file of the III Additional Family Court, Chennai, to be tried along with H.M.O.P. No.1734 of 2024, which has been instituted by the petitioner earlier and is already pending before the said Family Court.

3. The petitioner and the respondent are spouses whose marriage was solemnized on 31.10.2011 at Vadapalani Sri Subramani Swamy Temple, Chennai. A male child was born on 14.12.2014. Serious matrimonial disputes having arisen between the parties, the petitioner instituted H.M.O.P. No.1734 of 2024 before the III Additional Family Court, Chennai, seeking divorce on the ground of cruelty.

4. The respondent thereafter initiated H.M.O.P. No.353 of 2024 before the Sub Court, Alandur, seeking divorce on similar grounds. The petitioner contends that the



respondent's action is a counterblast to her earlier proceeding; that she is residing with her minor child under the care of her aged parents at Nanganallur; and that it would impose undue hardship, inconvenience, and safety concerns for her to travel repeatedly to Alandur along with the child for attending hearings. She also submits that both cases involve identical issues arising out of the same matrimonial relationship and ought to be tried together to avoid conflicting findings.

5. In matrimonial disputes, the convenience of the wife is a predominant consideration while deciding a transfer petition, particularly where the burden of caring for a minor child falls entirely on her. In the present case, the pleadings reveal that the petitioner is the primary caregiver of the 10-year-old child. Although Nanganallur and Alandur are not far apart, it is the respondent/husband who chose to institute the divorce proceedings at Alandur and has not sought transfer of the earlier proceedings already pending before the Family Court, Chennai, which were instituted by the wife. Since two separate divorce proceedings between the same parties on identical grounds are pending, both ought to be tried by the single Court to avoid multiplicity, inconvenience, and the possibility of conflicting findings. No prejudice would be caused to the respondent if the matter is transferred to the III Additional Family Court, Chennai, which has competent jurisdiction to try the dispute.



6. Accordingly, this Court is satisfied that sufficient grounds exist for ordering transfer. In view of the above discussion and considering the settled legal principles governing matrimonial transfers, this Court is inclined to allow the petition.

7. Accordingly, Tr.C.M.P. No.713 of 2024 is allowed. H.M.O.P. No.353 of 2024 on the file of the Sub Court, Alandur, is withdrawn and transferred to the file of the III Additional Family Court, Chennai, to be tried along with H.M.O.P. No.1734 of 2024. The Sub Court, Alandur, shall transmit the entire records in H.M.O.P. No.353 of 2024 to the III Additional Family Court, Chennai, within three (3) weeks from the date of receipt of this order. The III Additional Family Court, Chennai, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Consequently, connected C.M.P. No.15486 of 2024 is closed. 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 Sub Court,
Alandur.

2.The III Additional Family Court,
Chennai.

DR. A.D. MARIA CLETE, J



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and
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