



WEB COPY



Tr.CMP.No.733 of 2024 and C.M.P.No.16215 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.733 of 2024

and

C.M.P.No.16215 of 2024

Mrs.M.Asha

... Petitioner

Versus

Mr.V.Madeswaran

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw H.M.O.P.No.49 of 2024 on the file of Sub Court, Avinashi and transfer the same to the Family Court at Coimbatore to be tried jointly with the petition in H.M.O.P.No.1795 of 2021.

For Petitioner : Mr.J.Maheswaran

For Respondent : No appearance

ORDER

The petitioner / wife has come up with the above transfer petition, seeking transfer of H.M.O.P.No.49 of 2024 from the file of Sub Court, Avinashi to the file of Principal Family Court, Coimbatore.

2. Despite service of notice in the above transfer petition, the

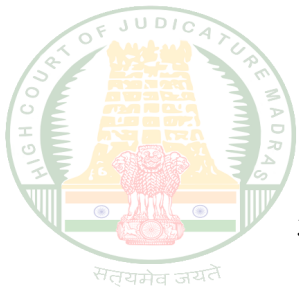


Tr.CMP.No.733 of 2024 and C.M.P.No.16215 of 2024

respondent has neither chosen to appear in person nor through counsel. The name of the respondent is also printed in the cause list. Name of the respondent was called out, but there is no representation. Hence, he is set *ex parte*. I have proceeded to hear the learned counsel for the petitioner. I have also gone through the affidavit filed in support of the request for transfer.

3. The learned counsel appearing for the petitioner would submit that the respondent husband has filed a petition for divorce in H.M.O.P.No.49 of 2024 on the file of Sub-Court, Avinashi and the petitioner has filed a petition for restitution of conjugal rights in H.M.O.P.No.1795 of 2021 on the file of Family Court, Coimbatore and hence, to avoid multiplicity of proceedings and conflicting judgments, the case in H.M.O.P.No.49 of 2024 on the file of Sub-Court, Avinashi may be transferred to the file of Family Court, Coimbatore to be tried along with H.M.O.P.No.1795 of 2021.

4. The petitioner has stated that she is living with her parents at Coimbatore and she has no source of income to attend each and every hearing at Sub-Court, Avinashi.



Tr.CMP.No.733 of 2024 and C.M.P.No.16215 of 2024

5. I am satisfied that the petitioner has made out good ground for transferring the case from Sub-Court, Avinashi to Principal Family Court, Coimbatore to be tried along with H.M.O.P.No.1795 of 2021 filed by the petitioner wife for restitution of conjugal rights.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the case in H.M.O.P.No.49 of 2024 is withdrawn from the file of the Sub-Court, Avinashi and transferred to the file of the Family Court, Coimbatore to be tried along with H.M.O.P.No.1795 of 2021. Considering the facts, there shall be no orders as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

16.09.2025

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

gpa

To

1. The Sub Court, Avinashi

2. The Family Court, Coimbatore



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Tr.CMP.No.733 of 2024 and C.M.P.No.16215 of 2024

M. JOTHIRAMAN, J.

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and
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