



Tr.C.M.P.No.933 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 10.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

Tr.C.M.P. No.933 of 2024

and

C.M.P.No.20375 of 2024

Mrs.Hema,  
W/o.Mr.P.Rajesh,  
D/o.(Late) Jayaprakash,  
now residing at  
295 C Block, Government press quarters,  
Tondiarpet, Chennai – 600081.

... Petitioner

Vs.

Mr.P.Rajesh,  
Son of Mr.Pandurangan,  
Door No.L/278, CMC-39,  
Police Colony, Ganapathy,  
Bharathi Nagar,  
Coimbatore.

Having Office at  
Inspector of Police,  
Prohibition Enforcement Wing D-1,  
Ramanathapuram Police Station Upstairs,  
Coimbatore City.

... Respondent

**PRAYER in Tr.C.M.P.No.933 of 2024: :** Transfer Civil Miscellaneous Petition  
filed under Section 24 of the Code of Civil Procedure to withdraw the  
1/6



Tr.C.M.P.No.933 of 2024

H.M.O.P.No.1213 of 2021 pending on the file of the I Additional Family Court, Coimbatore and to transfer the same to the file of the Family court, Chennai and thus render justice.

**PRAYER in C.M.P.No.20375 of 2024:** Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay further proceedings in H.M.O.P.No.1213 of 2021 pending on the file of the I Additional Family Court, Coimbatore till the disposal of the above transfer civil miscellaneous petition.

For Petitioner : Ms.Annaamma

For respondent : Mr.K.Balasubramaiaam

## **ORDER**

Heard

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking withdrawal of H.M.O.P. No.1213 of 2021, now pending on the file of the I Additional Family Court, Coimbatore, and transfer of the same to the file of the Family Court, Chennai.

3. The marriage between the petitioner and the respondent was solemnised on 11.03.2001 and two daughters were born to them. The respondent/husband has filed H.M.O.P. No. 1213 of 2021 before the I Additional



Tr.C.M.P.No.933 of 2024

Family Court, Coimbatore, seeking divorce on the ground of cruelty. The petitioner has entered appearance and filed her counter and an application for maintenance, which is still pending.

4. The petitioner states that she is presently residing at Chennai with her two daughters and aged mother. She further submits that she suffers from Osteomyelitis, making it difficult for her to walk or travel long distances. She has no independent source of income and is fully dependent on her family members. Travelling from Chennai to Coimbatore for every hearing would, therefore, cause her severe hardship.

5. It is also brought to the notice of this Court that the petitioner has also instituted O.P. No. 227 of 2024 before the V Additional Family Court, Chennai, seeking Restitution of Conjugal Rights, and the said proceeding is pending. Thus, two matrimonial proceedings between the same parties are pending before two different Courts.

6. It is a well-settled principle that in matrimonial matters, the convenience of the wife is the paramount consideration while deciding a transfer petition. The petitioner has demonstrated her medical constraints and financial hardship that prevent her from undertaking frequent travel to Coimbatore. Further, since O.P. No. 227 of 2024 filed by the petitioner is already pending before the V



Tr.C.M.P.No.933 of 2024

Additional Family Court, Chennai, it would be in the interest of justice to have both matrimonial proceedings tried by the same Court to avoid multiplicity of trials, conflicting findings, and unnecessary inconvenience to the parties.

7. The respondent, being employed as an Inspector of Police, Coimbatore, has not shown any undue hardship that would be caused to him if the case is transferred to Chennai. Comparative hardship clearly tilts in favour of the petitioner. This Court is, therefore, of the considered view that the petitioner has made out sufficient grounds for transfer.

8. Accordingly, Tr.C.M.P. No. 933 of 2024 is allowed. H.M.O.P.No. 1213 of 2021, pending on the file of the I Additional Family Court, Coimbatore, is withdrawn and transferred to the file of the V Additional Family Court, Chennai, where O.P. No. 227 of 2024 is pending. The I Additional Family Court, Coimbatore, is directed to transmit the entire records in H.M.O.P.No.1213 of 2021 to the V Additional Family Court, Chennai, within a period of three (3) weeks from the date of receipt of a copy of this order. The V Additional Family Court, Chennai, shall proceed with the matter in accordance with law and dispose of the same as expeditiously as possible, uninfluenced by any observations made herein. The interim stay granted by this Court on 13.09.2024 stands vacated and C.M.P. No. 20375 of 2024 is closed. There shall be no order as to costs.



Tr.C.M.P.No.933 of 2024

**10.12.2025**

WEB COPY

*mfa/ay*

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The I Additional Family Court,  
Coimbatore.

2.The V Additional Family Court,  
Chennai



WEB COPY



Tr.C.M.P.No.933 of 2024

**DR. A.D. MARIA CLETE, J**

*mfa/ay*

Tr.C.M.P. No.933 of 2024

Dated: 10.12.2025