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Tr.C.M.P.No.891 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.891 of 2024

and

C.M.P.No.19503 of 2024

Mrs.P.Jothilakshmi
W/o.Sembulingam
D/o.Paramasivan Nadar
Matha Koil Street, Mettukadai
Ullundhai Post, Thiruvallur Taluk,
Thiruvallur District.

... Petitioner

Vs.

Sembulingam
S/o.Sivaperumal Nadar,
No.3/28, Kovil Street,
Semban Kudiyurppu,
Karunkadal, Sathankulam Taluk,
Tuticorin District.
Temp., residing at No.64, ECR,
Nainakuppam, Solinganallur Taluk,
Kanchipuram District.

... Respondent

PRAYER in Tr.C.M.P.No.891 of 2024: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.33 of 2024 on the file of the Sub Court at Thiruchendur and transfer the same to the Family Court at Thiruvallur to be jointly tried along with

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H.M.O.P.No.83 of 2024 and pass such other further orders as this Court may deem fit in the circumstances of the case and thus render justice.

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PRAYER in C.M.P.No.19503 of 2024: Civil Miscellaneous Petition is filed under Section 151 of C.P.C., to stay all further proceedings in H.M.O.P.No.33 of 2024 on the file of the Sub Court at Thiruchendur pending disposal of the above Tr.C.M.P.

For Petitioner : Mr.V.M.Venkataramana

For respondent : Mr.S.Esakkimuthu

O R D E R

Heard.

2. This Transfer Civil Miscellaneous Petition has been filed by the petitioner-wife seeking withdrawal of H.M.O.P. No. 33 of 2024 from the file of the Sub Court, Thiruchendur, instituted by the respondent -husband for dissolution of marriage on the ground of cruelty, and transfer of the same to the file of the Family Court, Thiruvallur, where the petitioner has already instituted H.M.O.P. No. 83 of 2024 seeking restitution of conjugal rights.



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3. The marriage between the parties took place on 13.12.2017 and two minor children were born to them. The petitioner is presently residing with her sister at Thiruvallur and asserts difficulty in travelling nearly 600 kilometres to Thiruchendur with the minor children to attend the proceedings. The respondent has not demonstrated any hardship in appearing before the Family Court at Thiruvallur.

4. In matrimonial matters, particularly where the custody of minor children rests with the wife, her convenience deserves primary consideration. Since a connected proceeding in H.M.O.P. No. 83 of 2024 is already pending before the Family Court, Thiruvallur, and as the petitioner would face substantial hardship in undertaking long-distance travel, this Court finds merit in the request for transfer.

5. Accordingly, Tr.C.M.P. No. 891 of 2024 is allowed. H.M.O.P. No. 33 of 2024 on the file of the Subordinate Court, Thiruchendur, is withdrawn and transferred to the file of the Family Court, Thiruvallur, to be tried along with H.M.O.P. No. 83 of 2024. The Sub Court, Thiruchendur, shall transmit the entire records in H.M.O.P.No.33 of 2024 to the Family Court, Thiruvallur, within three (3) weeks from the date of receipt of a copy of this order. The Family Court,



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Thiruvallur, shall dispose of the matter as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted on 06.09.2024 shall stand vacated. C.M.P. No. 19503 of 2024 is closed. There shall be no order as to costs.

10.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Sub Court,
Thiruchendur.

2.The Family Court,
Thiruvallur.

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DR. A.D. MARIA CLETE, J

mfa/ay

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Dated: 10.12.2025