



Tr.CMP Nos.1152 & 1154 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 02.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Tr.CMP Nos.1152 & 1154 of 2024

and

CMP Nos.25203 & 25206 of 2024

Mr. Jayachandran ... Petitioner in both Tr.CMPs

Vs.

1. V. Pachiyammal

2. Baby Dhevayani ... Respondents in both Tr.CMPs

Common Prayer : Both the Transfer Civil Miscellaneous Petitions are filed under Section 24 of the CPC to withdraw and transfer the M.C.No.565 of 2023 from the file of the V Additional Family Court, Chennai and HMOP No.2875 of 2024 from the file of I Additional Family Court, Chennai to the III Additional Family Court, Chennai having jurisdiction to try it along with HMOP No.5620 of 2023.

For Petitioner : Mr. Jagadheesan.M



Tr.CMP Nos.1152 & 1154 of 2024

WEB COPY

ORDER

Both the Transfer applications are filed to withdraw the maintenance case in MC.No.565 of 2023 pending on the file of the V Additional Family Court, Chennai and HMOP No.2875 of 2024 pending on the file of the I Additional Family Court, Chennai to the III Additional Family Court, Chennai and try it along with HMOP No.5620 of 2023.

2. It is the husband, who has filed the present applications seeking transfer of the above petitions to III Additional Family Court, Chennai.

3. Admittedly, the petitioner has filed a petition under Section 13 of the Hindu Marriage Act against his wife in HMOP No.5620 of 2023 on the file of the III Additional Family Court, Chennai for divorce. The respondents have filed M.C.No.565 of 2023 for maintenance before the V Additional Family Court, Chennai and also filed HMOP No.2875 of 2024 for restitution of conjugal rights.



Tr.CMP Nos.1152 & 1154 of 2024

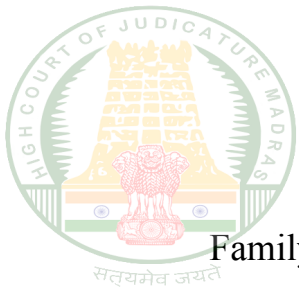
4. Now, the Transfer is sought mainly on the ground that both the petitioner as well as the first respondent are persons with disabilities and if all the cases are tried in the same court, it would be convenient for both parties.

5. The respondents, despite being served, has not entered appearance through counsel.

6. I have heard the learned counsel for the petitioner and perused the materials available on records carefully.

7. Having regard to the allegations of physical disability and the fact that three different cases pertaining to Restitution of Conjugal rights, maintenance and divorce are pending before three different Courts, this Court is of the considered view that transfer would not only serve the interest of justice and convenience of the parties, but also avoid conflicting decisions by different Courts.

8. In view of the above, M.C.No.565 of 2023 and H.M.O.P.No.2875 of 2024 are directed to be withdrawn from the file of the V Additional



Tr.CMP Nos.1152 & 1154 of 2024

Family Court, Chennai and I Additional Family Court, Chennai

respectively and transferred the same to the file of the III Additional Family Court, Chennai and directed to be tried jointly with HMOP No.5620 of 2023. The learned Judges are hereby directed to send entire records to the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order and the learned Judge, III Additional Family Court, Chennai is directed to issue notice to the respondents and dispose of the cases as early as possible.

9. Accordingly, both the Transfer Civil Miscellaneous Petitions are ordered. No costs. Consequently, the connected miscellaneous petitions are closed.

02.07.2025

mrp
To

1. I Additional Family Court, Chennai.
2. III Additional Family Court, Chennai.
3. V Additional Family Court, Chennai.

N. SATHISH KUMAR, J.

mrp



WEB COPY



Tr.CMP Nos.1152 & 1154 of 2024

Tr.CMP Nos.1152 & 1154 of 2024

02.07.2025