



WEB COPY



Tr.C.M.P.No.1219 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.C.M.P.No.1219 of 2024

and

C.M.P.No.26648 of 2024

K.Balasubramani,
S/o Kanniappan,
No.8, Anbazhagan Street,
Anna Nagar, Pammal,
Kancheepuram, Tamil Nadu 600 075. ..Petitioner/Respondent

/versus/

Smt.S.Jayanthi, F/28 years,
S/o K.Subramani,
Formerly resided at
13-1-14A, Arunachala Nagar,
Thadicombu,
Dindigul West 624 709,
Presently at
Flat No.160E, Siradi Sai Nagar,
Land Mark, Shanmugavel Mills Pvt.Ltd.,
Thadicombu, Dindigul. ..Respondent/Petitioner



Tr.C.M.P.No.1219 of 2024

WEB COPY

Transfer Civil Miscellaneous Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the HMOP.No.322 of 2024 pending on the file of District Family Court, Dindigul to the Sub Court, Alandur to be tried with H.M.O.P.No.354 of 2024.

For Petitioner :Mr.G.V.Sridharan

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the H.M.O.P.No.322 of 2024 pending on the file of District Family Court, Dindigul to the Sub Court, Alandur to be tried with H.M.O.P.No.354 of 2024.

2. The learned counsel appearing for the petitioner would submit that the petitioner has filed a petition in H.M.O.P.No.354 of 2024 on the file of the Sub Court, Alandur for divorce. After filing this petition, the respondent/wife filed a petition in H.M.O.P.No.322 of 2024 before the Family Court, Dindigul, for the relief of restitution of conjugal rights only to harass and give mental agony to the petitioner and the same is posted for



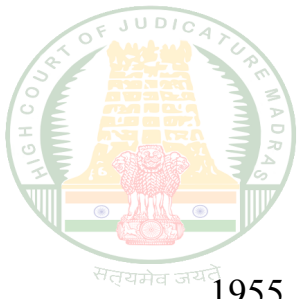
Tr.C.M.P.No.1219 of 2024

WEB COPY

issuing fresh summons to the respondent. He further submitted that the aged parents of the petitioner are living with the petitioner at Chennai and it is not possible for him to go to Dindigul for every hearing, which is more than 300 km., from Chennai. The learned counsel further argued that the respondent is working in the Logistics Company at Chennai and drawing the salary of Rs.15,000/- per month and the same has been stated in the affidavit of the petitioner. Therefore, he prays to withdraw and transfer the case in H.M.O.P.No.322 of 2024 pending on the file of the Family Court, Dindigul to the Sub Court, Alandur to be tried with H.M.O.P.No.354 of 2024.

3.The learned counsel for the petitioner also would submit that the respondent has not chosen to enter appearance, despite service of Court notice. I find that the service of notice has been completed on the respondent and though the name of the respondent is also printed in the cause list for list of today's case, she did not choose to appear before this Court. Hence, the respondent called absent and set exparte.

4.It is settled that if two petitions are filed under Hindu Marriage Act,



Tr.C.M.P.No.1219 of 2024

WEB COPY

1955, one is for divorce and another case for restitution of conjugal rights, in order to avoid conflicting decisions. It is expedient that with the cases are decided one after the other, the arguments should be heard separately and thereafter separate judgment should be delivered on one day [(2010) 15 SCC 354) *Ajay Lawania vs. Shobhana Dubey*].

5.It is relevant to mention that the purpose of Section 24 of C.P.C., is merely to confer on the Court discretionary power. Section 24 of C.P.C., does not prescribe any ground for ordering the transfer of a case. The Court must act judicially in ordering transfer [2009(3) SCC 130, *Jitendra Singh v. Bhanu Kamari and others*].

6.I have gone through the affidavit filed in support of the transfer petition as well. I find merit in the submissions made by the learned counsel for the petitioner.



Tr.C.M.P.No.1219 of 2024

WEB COPY

7. In view of the above submission made by the learned counsel appearing for the petitioner, there can be no impediment for allowing this petition as prayed for.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The case in H.M.O.P.No.322 of 2024 is hereby withdrawn from the file of the District Family Court, Dindigul and transferred to the file of the Sub Court, Alandur to be tried along with H.M.O.P.NO.354 of 2024. No costs. Connected C.M.P. is closed.

11.09.2025

Index:yes/no
Speaking order/non speaking order
ari
To

- 1.The District Family Court, Dindigul.
- 2.The Sub Court, Alandur.

M.JOTHIRAMAN,J.

ari



WEB COPY



Tr.C.M.P.No.1219 of 2024

Tr.C.M.P.No.1219 of 2024
and
C.M.P.No.26648 of 2024

11.09.2025