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Tr.C.M.P.No.1399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.C.M.P.No.1399 of 2024
and C.M.P.No.30047 of 2024
and C.M.P.No.22364 of 2025

N.Jothi

... Petitioner

VS.

B.Madhan Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.M.O.P.No.4921 of 2022 pending on the file of learned III Additional Family Court, Chennai to the file of learned Additional Sub Judge at Tenkasi pending disposal of this transfer petition.

For Petitioner : Mr.L.K.Manjunath
for M/s.Sri Manjunatha Law Associates

For Respondent : Mr.Manoj Sreevalsan



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ORDER

The petitioner/wife filed instant Transfer Civil Miscellaneous Petition seeking transfer of petition in H.M.O.P.No.4921 of 2022 for dissolution of marriage filed by the respondent/husband from the file of III Additional Family Court, Chennai to the file of Additional Sub Court, Tenkasi for joint trial along with petition for restitution of conjugal rights filed by the petitioner/wife before the said Court in H.M.O.P.No.282 of 2021.

2. According to the petitioner, she filed a petition for restitution of conjugal rights before Additional Sub Court, Tenkasi in H.M.O.P.No.282 of 2021 and respondent herein filed a petition for dissolution of marriage before the III Additional Family Court, Chennai in H.M.O.P.No.4921 of 2022 and in order to avoid conflict of judicial verdicts, the petition filed by the respondent has to be transferred to the Additional Sub Court, Tenkasi for joint trial along with her petition.

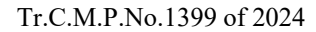
3. The respondent/husband filed counter affidavit and opposed the transfer application on the ground that the petitioner is living at Chennai and



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the child is studying at St.John's Senior Secondary School, Mandaveli and therefore, if the petition for restitution of conjugal rights filed by petitioner/wife before the Additional Sub Court, Tenkasi is transferred to Chennai, it will be convenient for both the parties to contest the original petitions. According to the learned counsel appearing for the respondent, the petition for restitution of conjugal rights has been filed by the petitioner before the Additional Sub Court, Tenkasi just to harass the respondent/husband.

4. A perusal of the affidavit filed by the petitioner would indicate that she has given Chennai address as her present place of residence. It is also specifically admitted by her that she is staying with her daughter in the quarters allotted to the respondent at R.A.Puram, Chennai. The averment in the counter affidavit that the child of the parties is studying at St.John's Senior Secondary School, Mandaveli is not disputed. Therefore, it is clear that even as per her own admission in the affidavit that the petitioner is at present residing at Chennai and her child is studying at SSt.John's Senior Secondary School, Mandaveli.



7. Therefore, taking into consideration the convenience of both the parties and to avoid the conflicting judicial verdicts, this Court is inclined to withdraw H.M.O.P.No.282 of 2021 pending on the file of Additional Sub



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Court, Tenkasi and transferred the same to the file of III Additional Family Court, Chennai for simultaneous trial along with H.M.O.P.No.4921 of 2022.

8. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petitions are closed.

20.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

- 1.The III Additional Family Court,
Chennai.
- 2.The Additional Sub Judge, Tenkasi.



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S.SOUNTHAR, J.

dm

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