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Tr.C.M.P. Nos.177 & 711 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. Nos.177 & 711 of 2025

and

C.M.P.No.3659 of 2025 and C.M.P.No.16617 of 2025

Tr.C.M.P.No.177 of 2025

Sridhar

... Petitioner

Vs

Pandiselvi

... Respondent

Tr.C.M.P.No.711 of 2025

Pandi Selvi

... Petitioner

Vs

Sridhar

... Respondent

PRAYER in Tr.C.M.P.No.177 of 2025: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw M.C.No.49 of 2024 on the file of the Family Court, Tiruppur and transfer the same to the Family Court, Salem.

PRAYER in C.M.P.No.3659 of 2025: Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay all further proceedings in M.C.No.49 of 2024 on the file of the Family Court, Tiruppur District.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.C.Prabakaran



Tr.C.M.P. Nos.177 & 711 of 2025

PRAYER in Tr.C.M.P.No.711 of 2025: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.296 of 2024 pending before the Family Court, Salem and to transfer the same to the file of Family Court, Tiruppur to try along with the M.C.No.49 of 2024.

PRAYER in C.M.P.No.16617 of 2025: To stay all further proceedings in H.M.O.P.No.296 of 2024 on the file of the Family Court,Salem.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.T.Ganesan

COMMON ORDER

Heard.

2. These Transfer Civil Miscellaneous Petitions, one filed by the husband (Tr.C.M.P. No.177 of 2025) seeking transfer of M.C.No.49 of 2024 from the file of the Family Court, Tiruppur to the Family Court, Salem, and the other filed by the wife (Tr.C.M.P. No.711 of 2025) seeking transfer of H.M.O.P.No.296 of 2024 from the Family Court, Salem to the Family Court, Tiruppur, are taken up together for disposal, since the parties are common and the issues arise out of the same matrimonial relationship.

3. The marriage between the parties took place on 09.09.2021 at Salem. The spouses separated shortly thereafter, and each has levelled allegations against the other. The husband filed H.M.O.P.No.296 of 2024 for divorce before the



Family Court, Salem. The wife filed M.C.No.49 of 2024 under Section 125 Cr.P.C.

before the Family Court, Tiruppur.

4. The wife seeks transfer of the H.M.O.P. to Tiruppur on multiple grounds—her residence at Tiruppur, the illness of her mother requiring constant care, the burden of travelling over 300 km for every hearing, and the pendency of her maintenance case in Tiruppur. She also asserts financial constraints.

5. The husband, on the other hand, seeks the opposite transfer, alleging that he faces threats and intimidation whenever he attends the Court at Tiruppur, and that both matters should be heard together at Salem.

6. Whether, in the facts and circumstances of the case, the wife's petition or the husband's petition deserves to be allowed, and which forum would be appropriate for consolidation of the proceedings.

7. It is a well-established principle that in matrimonial disputes, the convenience of the wife is to be given paramount consideration, particularly when she asserts difficulties of travel, and compelling domestic circumstances. The Supreme Court and this Court have consistently held that the wife should not be put to undue hardship by being required to travel long distances for defending matrimonial litigation.



8. The material placed on record shows that the wife resides in Tiruppur, and her maintenance case (M.C.No.49 of 2024) is already pending before the Family Court there. She has pleaded that her mother is chronically ill and requires constant care, which makes long-distance travel extremely burdensome. The distance between Tiruppur and Salem is over 300 km, making it impracticable for the wife to attend proceedings at Salem frequently. The husband's allegation of life-threat at Tiruppur is unsupported by any material except a complaint copy dated 11.01.2022, which relates to an earlier period and not to the conduct of the present proceedings.

9. When both cases arise from the same matrimonial relationship, it is desirable that they be tried by a single Court to avoid conflicting decisions. Since the wife has already instituted the maintenance case at Tiruppur—where she resides—the ends of justice require that the husband's H.M.O.P. be transferred to the same Court. Thus, the balance of convenience overwhelmingly favours the wife, and the husband's Transfer CMP deserves rejection.

10. Thus, Tr.C.M.P. No.711 of 2025 (filed by the wife) is allowed, and Tr.C.M.P. No.177 of 2025 (filed by the husband) is dismissed.

11. Accordingly, Tr.C.M.P. No.711 of 2025 is allowed. H.M.O.P.No.296 of 2024 on the file of the Family Court, Salem, is withdrawn and transferred to the



Tr.C.M.P. Nos.177 & 711 of 2025

file of the Family Court, Tiruppur. The Family Court, Salem, shall transmit the entire records to the Family Court, Tiruppur, within three (3) weeks from the date of receipt of a copy of this order, and the Family Court, Tiruppur, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this Court on 16.07.2025 shall stand vacated, and C.M.P.No.16617 of 2025 is closed. There shall be no order as to costs. Tr.C.M.P. No.177 of 2025 is dismissed. Interim stay granted by this Court on 25.02.2025 shall stand vacated and consequently, C.M.P. No.3659 of 2025 is dismissed. No order as to costs.

09.12.2025

mfa/dpq

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

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Tr.C.M.P. Nos.177 & 711 of 2025

1.The Family Court,
Tiruppur District

2.The Family Court,
Salem.

DR. A.D. MARIA CLETE, J

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