



Tr.C.M.P.No.1142 of 2025 and
C.M.P.No.25880 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.11.2025

Coram:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**Tr.C.M.P.No.1142 of 2025 and
C.M.P.No.25880 of 2025**

P.Rubika

.. Petitioner

Vs.

T.Yuvaraj

.. Respondent

PRAYER: This Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the petition in H.M.O.P.No.128 of 2025 on the file of the Principal Subordinate Court, Dindigul, and transfer the same to I Additional Family Court, Chennai.

For petitioner : M/s.Thiruvani
For respondent : M/s.P.Saravanan

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of the case in H.M.O.P.No.128 of 2025 from the file of the Principal Subordinate Court, Dindigul, to the file of I Additional Family Court, Chennai.

2 According to learned counsel for the petitioner/wife, she already filed a petition in O.P.No.4896 of 2024 seeking divorce on the ground of



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cruelty and the same is pending on the file of the I Additional Family Court, Chennai. As a counter blast, the respondent/husband filed petition in H.M.O.P.No.128 of 2025 seeking restitution of conjugal rights before the Principal Subordinate Court, Dindigul. Hence the petitioner/wife seeks transfer of H.M.O.P.No.128 of 2025 for joint trial of both the petitions.

3 Learned counsel for the respondent/husband opposed this petition on the ground that the present transfer petition has been filed just to harass him.

4 It is not in dispute that the petition seeking divorce filed by the petitioner/wife is pending on the file of I Additional Family Court, Chennai, and the petition seeking restitution of conjugal rights filed by the respondent/husband is pending on the file of the Principal Subordinate Court, Dindigul. The issues involved in both the petitions are one and same and if these two cases are allowed to proceed further before two different forums, it may lead to conflict of judicial verdicts. Hence in order to avoid the same, both the petitions have to be tried together. In the case on hand, the



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petitioner/wife is residing in West Mambalam, Chennai. In such circumstances, this Court is inclined to order this petition as prayed for.

5 It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife. The transfer petition is ordered by taking into consideration, the convenience of wife.

6 Accordingly, this Transfer Civil Miscellaneous Petition is ordered and the petition in H.M.O.P.No.128 of 2025 pending on the file of the Principal Subordinate Court, Dindigul, is hereby withdrawn and transferred to the file of I Additional Family Court, Chennai, for joint trial along with O.P.No.4896 of 2025. No costs. Consequently connected miscellaneous petition stands closed.

11.11.2025

Neutral Citation : Yes/No

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To

1. The Principal Subordinate Court, Dindigul.
2. I Additional Family Court, Chennai.

S.SOUNTHAR, J.



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