



Tr.C.M.P.No.1209 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.1209 of 2025

and

C.M.P.No.27552 of 2025

Preethi

... Petitioner

Vs.

Santhosh 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.74 of 2025 on the file of Subordinate Court, Chengam to Principal Subordinate Court, Chengalpet.

For Petitioner : Mr.R.Dhanasekar

For Respondent : Mr.P.G.Thiyagu



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ORDER

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The Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.74 of 2025 from the file of Subordinate Court, Chengam to the file of Principal Subordinate Court, Chengalpet.

2. The petitioner is the wife and she is having one year old child. The petitioner is residing at Vallam, Chengalpet District and she expressed her difficulty in undertaking travel to Chengam for the purpose of attending each and every court proceedings in the above divorce petition filed by the respondent/husband. It is further stated that the petitioner instituted a petition for restitution of conjugal rights in H.M.O.P.No.205 of 2025 on the file of Principal Subordinate Court, Chengalpattu. Therefore, she filed this transfer petition with the aforesaid prayer.

3. The respondent filed counter and opposed the transfer application on the ground that there is no physical safety for the respondent in Chengalpet. It is stated in the counter affidavit by the respondent that when



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he visited court at Chengalpet, he was physically assaulted and based on his complaint, an FIR has been registered against the petitioner and her family members in Crime No.359 of 2025 by the Chengalpattu Taluk Police Station. It is also stated that a counter FIR has been registered against the respondent based on the complaint given by the petitioner.

4. Since both the petitioner and respondent initiated matrimonial proceedings before the different courts, it is necessary to tag both the original petitions for enquiry before the same court, otherwise there is a likelihood of conflict of judicial opinion.

5. The petitioner/wife is residing at Vallam, Chengalpet District and she is having one year old child. Therefore, she is seeking transfer of petition for divorce filed by the respondent/husband to the file of Principal Subordinate Court, Chengalpet, where she is having permanent address. However, the respondent expressed his difficulty in attending court proceedings at Chengalpet on the ground that there is no physical safety.



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6. In view of FIR and counter FIR against the petitioner and respondent, instead of transfer of the case to the file of Principal Subordinate Court, Chengalpet, this Court feels it would be better to transfer both the original petitions to a common court.

7. Accordingly, the petitions in H.M.O.P.No.74 of 2025 filed by the respondent and H.M.O.P.No.205 of 2025 filed by the petitioner are withdrawn from the file of respective Courts and transferred to the file of Subordinate Court, Tambaram. The Transferee Court is directed to conduct a joint trial of both the original petitions.

8. The Transfer Civil Revision Petition is ordered accordingly. No costs. Consequently, the connected civil miscellaneous petition is closed.

07.11.2025

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



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To

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- 1.The Subordinate Court,
Chengam.
- 2.The Principal Subordinate Court,
Chengalpet.



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S.SOUNTHAR, J.
dm

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