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Tr.C.M.P.No.38 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.38 of 2025

and

C.M.P.No.864 of 2025

Kalaivani

... Petitioner

Vs

Gunasekaran

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw H.M.O.P. No.5 of 2024 on the file of the Subordinate Judge, Sathyamangalam and transfer the same to the file of the Principal Subordinate Judge, Coimbatore.

PRAYER in C.M.P:

To stay all further proceedings Petition filed under Section 151 CPC to stay all further proceedings in H.M.O.P. No.5 of 2024 on the file of the Subordinate Judge, Sathyamangalam till disposal of the transfer petition.

For Petitioner : Mr.A.Parthasarathy
for M/s.A.Parthasarathy and Associates

For Respondent : Served/No appearance



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ORDER

Heard.

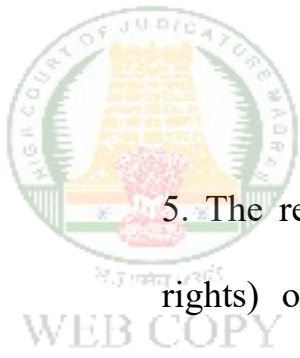
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2.The petitioner is the wife and the respondent is the husband. The petitioner/wife has filed this transfer civil miscellaneous petition seeking withdrawal of H.M.O.P. No.5 of 2024 on the file of the Subordinate Judge, Sathyamangalam and transfer the same to the file of the Principal Subordinate Judge, Coimbatore.

3. The petitioner states that the marriage between the parties was solemnized on 09.09.2013 at PudhuVadavalli Murugan Temple, Bannari Main Road, Sathyamangalam. Due to matrimonial discord and alleged cruelty, she has been living separately from 15.10.2018 along with the children at Annur, Coimbatore District. She further states that she is working as a Machine Operator on daily wages and is maintaining two minor sons.

4. It is stated that a proceeding under the Domestic Violence Act is pending as D.V.A. No.11 of 2023 before the Judicial Magistrate Court at Coimbatore and the petitioner also states that she has filed an application for divorce before the Hon'ble Subordinate Judge, Coimbatore, and the same has been numbered as H.M.O.P. No.5 of 2024.

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5. The respondent has filed H.M.O.P. No.5 of 2024 (for restitution of conjugal rights) on the file of the Subordinate Court, Sathyamangalam and the said proceeding is sought to be withdrawn and transferred to Coimbatore, for being tried along with/at the place where the petitioner resides and litigates.

6. The petitioner's principal ground is hardship. According to her, it is difficult to travel from Annur/Coimbatore to Sathyamangalam repeatedly, particularly when she is residing with minor children and is earning on daily wages.

7. This Court has considered the above circumstances. In matrimonial transfer petitions, the convenience of the wife, especially when she has the responsibility of minor children and limited means, is a weighty consideration. Further, when related proceedings are pending in one place, it is in the interest of justice to avoid multiplicity and ensure effective adjudication by concentrating proceedings before one competent Court.

8. In the present case, the petitioner is residing at Annur, Coimbatore District, and has shown reasonable cause for transfer on grounds of hardship and pendency of



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connected proceedings at Coimbatore. Accordingly, the transfer sought for deserves to be ordered.

9. Accordingly, Tr.C.M.P. No.38 of 2025 is allowed. H.M.O.P. No.5 of 2024 on the file of the Subordinate Court, Sathyamangalam, is withdrawn and transferred to the file of the Principal Subordinate Court, Coimbatore. The Subordinate Court, Sathyamangalam, shall transmit the entire records to the Principal Subordinate Court, Coimbatore, within three (3) weeks from the date of receipt of a copy of this order and the Principal Subordinate Court, Coimbatore shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 21.01.2025 shall stand vacated and C.M.P. No.864 of 2025 is closed. There shall be no order as to costs.

02.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. The Subordinate Judge, Sathyamangalam
2. The Principal Subordinate Judge, Coimbatore.



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DR. A.D. MARIA CLETE, J

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**Tr.C.M.P.No.38 of 2025
and
C.M.P.No.864 of 2025**

02.01.2026