



Tr. CMP Nos.392 & 395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. Nos.392 & 395 of 2023

and

C.M.P.Nos.8543 & 8554 of 2023

Tr.C.M.P. Nos.392 of 2023

P.Maheshwaran @ Mahesh @ Mahesan

... Petitioner

Vs.

G.Mohanapriya

... Respondent

Prayer in Tr.C.M.P. No.392 of 2023: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP.No.167 of 2020 pending on the file of the II Additional Sub Court at Coimbatore and transfer the same to the Sub Court at Sathiyamangalam or any other Court with further direction to try the same along with HMOP.No.126 of 2022 currently pending on the file of the Sub Court at Sathiyamangalam.

For Petitioner : Mr.S.Yudhish Padman

For Respondent : No appearance

Tr.C.M.P. Nos.395 of 2023

P.Maheshwaran @ Mahesh @ Mahesan

... Petitioner



Tr. CMP Nos.392 & 395 of 2023

Vs.

G.Mohanapriya

... Respondent

Prayer in Tr.C.M.P. No.395 of 2023: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP.No.126 of 2022 pending on the file of the Sub Court at Sathiyamangalam and transfer the same to the II Additional Sub Court at Coimbatore or any other Court with further direction to try the same along with HMOP.No.167 of 2020 currently pending on the file of the II Additional Sub Court at Coimbatore.

For Petitioner : Mr.S.Yudhish Padman

For Respondent : No appearance

COMMON ORDER

Heard.

2. Both the Transfer Civil Miscellaneous Petitions are filed under Section 24 CPC by the petitioner/husband.

3. It is seen from the records that the parties are spouses. Two proceedings under the Hindu Marriage Act are pending between them, namely H.M.O.P.No.167 of 2020 on the file of the II Additional Subordinate Court, Coimbatore, filed by the wife seeking divorce and is reported to be pending for final hearing and

2/6



Tr. CMP Nos.392 & 395 of 2023

H.M.O.P.No.126 of 2022 on the file of the Sub Court, Sathyamangalam, filed by the husband for restitution of conjugal rights.

4. Tr.C.M.P.No.392 of 2023 seeks withdrawal of H.M.O.P.No.167 of 2020 from the II Additional Subordinate Court, Coimbatore and transfer to the Sub Court, Sathyamangalam, to be tried along with H.M.O.P.No.126 of 2022 and Tr.C.M.P.No.395 of 2023 seeks withdrawal of H.M.O.P.No.126 of 2022 from the Sub Court, Sathyamangalam and transfer to the II Additional Subordinate Court, Coimbatore, to be tried along with H.M.O.P.No.167 of 2020.

5. The respondent/wife's address is shown to be at Coimbatore. In transfer petitions arising out of matrimonial proceedings, the Court ordinarily accords primacy to the convenience of the wife, especially where transferring the connected proceeding to the forum where she resides would enable both matters to be tried by one Court, thereby avoiding multiplicity of proceedings and the risk of inconsistent findings.

6. In the above circumstances, this Court is of the view that the ends of justice would be met by trying both H.M.O.P.s before the Court at Coimbatore.



Tr. CMP Nos.392 & 395 of 2023

7. Accordingly, Tr.C.M.P.No.395 of 2023 is allowed. H.M.O.P.No.126 of 2022 on the file of the Sub Court, Sathyamangalam is withdrawn and transferred to the file of the II Additional Subordinate Court, Coimbatore, to be tried along with H.M.O.P.No.167 of 2020. Tr.C.M.P.No.392 of 2023 stands dismissed in view of the above transfer. The Sub Court, Sathyamangalam shall transmit the entire records in H.M.O.P.No.126 of 2022 to the II Additional Subordinate Court, Coimbatore, forthwith, preferably within two weeks from the date of receipt of a copy of this order. The II Additional Subordinate Court, Coimbatore shall take up both matters together and proceed in accordance with law. The interim stay granted earlier in respect of H.M.O.P.No.167 of 2020 stands vacated, consequential to disposal of the transfer petitions. The connected Civil Miscellaneous Petitions are closed. No costs.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

dpq/ay



Tr. CMP Nos.392 & 395 of 2023

To

WEB COPY

- 1.The Sub court, Sathiyamangalam.
- 2.The II Additional Sub Court, Coimbatore.



WEB COPY



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DR.A.D.MARIA CLETE J.

ay

Tr.C.M.P. Nos.392 & 395 of 2023
and
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