



WEB COPY

TR CMP No. 318 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR CMP No.318 of 2026

and

CMP No.9006 of 2026

K.Priyanka,
W/o. S.Kamesh,
Door No.1/5, 17th Street,
S.V.N.Nagar,
Ennore,
Chennai – 600 057.

..Petitioner(s)

Vs.

S. Kamesh,
S/o. Selvakumar @ Selvaraj,
C-43, Port Trust Housing Colony,
Amstrong Street,
Near Tollgate Metro Station,
Tondiarpet,
Chennai 81.

..Respondent(s)

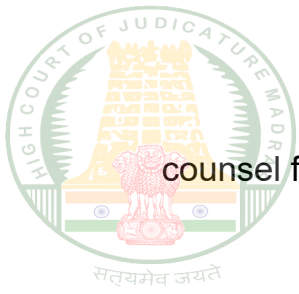
Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, 1908, to withdraw G.W.O.P.No.3244 of 2024 on the file of the III-Additional Family Court, Chennai and transfer the same to the file of this Hon'ble High Court to be heard along with OP.No.498 of 2025, pending on the file of this Hon'ble High Court of Judicature at Madras.

For Petitioner(s) : Mr.P.Rajkumar

For Respondent(s): Mr.P.Raja

ORDER

Heard the learned counsel for the petitioner (wife) and the learned



counsel for the respondent (husband).

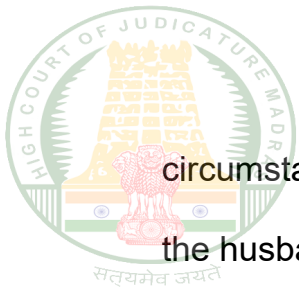
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2. The respondent (wife) in G.W.O.P.No.3244 of 2024 on the file of the III-Additional Family Court, Chennai is the petitioner herein.

3. The petitioner (wife) would aver that her minor son is illegally taken by the respondent and he is with the respondent at Tondiarpet and the child is diagnosed with Autism Spectrum Disorder and requires specialized therapeutic intervention and maternal care. She has instituted GWOP before this Court and it is pending in O.P.No.498 of 2025. She would further aver that the respondent has also filed GWOP.No.3244 of 2024, which is pending on the file of III-Additional Family Court, Chennai.

4. The learned counsel for the petitioner would reiterate the grounds set out in the petition and seeks for transfer of the aforesaid OP to the file of the High Court in order to be tried along with OP.No.498 of 2025 pending before this Court

5. The learned counsel for the respondent (husband) would strenuously contend that matrimonial OPs filed by the petitioner and the respondent are pending before the III-Additional Family Court, Chennai. He would further contend that besides the said cases, the husband has also filed GWOP.No.3244 of 2024, which is also pending before the said Court. In such



circumstances, this application is filed to cause inconvenience and hardship to the husband.

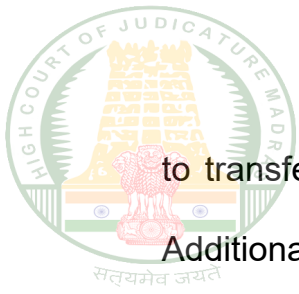
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6. The case details of the petitioner and the respondent are given hereunder:-

Sl. No.	List of cases	Courts details	Reliefs	Filed by husband or wife
1.	HMOP.No.2558 of 2024	III-Additional Family Court, Chennai	For an order of divorce	husband
2.	GWOP.No.3244 of 2024	III-Additional Family Court, Chennai	For guardianship	husband
3.	HMOP.No.2600 of 2025	III Additional family Court, Chennai	For restitution of conjugal rights	wife
4.	OP.No.498 of 2025	Pending before the High Court, Madras	For appointment of guardian	wife

7. Out of four cases as mentioned supra, two matrimonial OPs and GWOP filed by the husband are pending before the III-Additional Family Court, Chennai.

8. Had the petitioner filed the OP for appointment of a guardian before the same Court, it would be convenient for both parties and the question of conflict of judgments would arise. On the other hand, when the first three petitions are pending before the III-Additional Family Court, Chennai, the wife has instituted guardian OP before this Court in OP.No.498 of 2025 and seeks



to transfer the GWOP filed by the husband, which is pending before the III-Additional Family Court to this Court. No doubt, in order to have effective justice, the GWOP filed by the husband and the OP for guardianship filed by the wife have to be tried together in order to avoid conflict of judgments.

9. In suitable cases, in the course of the dispensation of justice and in order to do effective justice to the parties, the Court may mould the relief. For the reasons stated above, this Court is of the considered view that in order to have more convenience to the parties, OP.No.498 of 2025 pending before this Court is ordered to be withdrawn and transferred to the file of the learned III-Additional Principal Judge, Family Court, Chennai.

10. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. As it is stated that the child is a special child, the learned III-Additional Principal Judge, Family Court, Chennai, shall take effective steps to dispose of both OPs filed for guardianship, preferably within a period of five months from the date of receipt of a copy of this Order. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

01-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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R.KALAIMATHI, J.

MAC

To

1. The III-Additional Family Court, Chennai

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and
CMP No.9006 of 2026**

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