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Tr.C.M.P.No.435 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.435 of 2025

and

C.M.P.No.10117 of 2025

Mohamed Riyaz,
S/o. Mappillai Mohideen,
Residing at No.30/9-1, Sivaraman Layout,
K.K. Road, Villupuram Post,
Villupuram – 605 602.

... Petitioner

Vs.

Miharaj Sultana,
D/o. Mohamed Yacub,
Residing at No.20/2, Cauvery Nagar, Thiruvembur,
Bus Stand Backside, Trichy – 620 013.

... Respondent

Prayer in Tr.C.M.P. No.435 of 2025: Petition filed under Section 24 of C.P.C., to withdraw O.S. No.1 of 2025 pending on the file of the learned Family Court, Trichy and transfer the same to the file of the learned Family Court, Villupuram.

Prayer in C.M.P. No.10117 of 2025: Petition to stay all further proceedings in O.S. No.1 of 2025 pending on the file of the learned Family Court, Trichy, pending disposal of the above Transfer Civil Miscellaneous Petition.



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Tr.C.M.P.No.435 of 2025

For Petitioner : Mr.I.Javid Akbar.

For Respondent : Mr.C.M.Arumugam.

ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/husband seeking to withdraw O.S. No.1 of 2025 pending on the file of the Family Court, Trichy and to transfer the same to the file of the Family Court, Villupuram.

3. The suit in O.S. No.1 of 2025 has been instituted by the respondent/wife for restitution of conjugal rights before the Family Court, Trichy. At this juncture, it is relevant to note that the petitioner himself had earlier instituted O.S. No.5 of 2024 before the Family Court, Villupuram, seeking dissolution of marriage by declaration (on the basis of Talaq Namas).

4. The respondent/wife had already approached the Madurai Bench of this Court seeking transfer of the said O.S. No.5 of 2024 from the Family Court, Villupuram to the Family Court, Trichy, by filing Tr.C.M.P.(MD) No.664 of 2024, and the same has been disposed of on 24.01.2025, directing transfer.

2/5



Tr.C.M.P.No.435 of 2025

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5. Thus, pursuant to the prior transfer order of this Court, the matrimonial dispute between the parties, in respect of the proceeding in O.S. No.5 of 2024, has already been ordered to be tried at Trichy; and significantly, the said order also took note of the petitioner's stated medical condition and provided for consideration of appearance through video conferencing.

6. In such circumstances, entertaining the present petition seeking to shift the respondent's suit O.S. No.1 of 2025 from Trichy to Villupuram would (i) run contrary to the forum already fixed by this Court in the earlier transfer proceedings, and (ii) lead to splitting up of connected matrimonial litigations between the same parties in two different jurisdictions, resulting in avoidable multiplicity and inconvenience.

7. This Court is, therefore, of the view that no case is made out to invoke Section 24 of the Code of Civil Procedure to transfer the respondent's proceedings in O.S. No.1 of 2025, particularly when this Court has already, by an earlier order, fixed the forum at Trichy for adjudication of the matrimonial disputes between the same parties and the balance of convenience has been



Tr.C.M.P.No.435 of 2025

adjudicated upon. Entertaining the present petition would result in splitting up of connected matrimonial proceedings and would indirectly nullify the effect of the earlier transfer order passed by this Court. Accordingly, the Transfer Civil Miscellaneous Petition is liable to be dismissed.

8. Accordingly, Tr.C.M.P. No.435 of 2025 is dismissed. Consequently, C.M.P. No.10117 of 2025 is closed. There shall be no order as to costs.

20.01.2026

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1. The Family Court,
Trichy.

2. The Family Court,
Villupuram.

4/5



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Tr.C.M.P.No.435 of 2025

DR. A.D. MARIA CLETE, J

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Tr.C.M.P. No.435 of 2025

Dated: 20.01.2026