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Tr.C.M.P.Nos.512 & 537 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.Nos.512 & 537 of 2025

and

CMP Nos.12902 & 13260 of 2025

Tr.C.M.P.No.512 of 2025

Dr.D.Selva Muthu Kumaran

... Petitioner

Vs

Dr.S.Nivedha

... Respondent

PRAYER in Tr.C.M.P.No.512 of 2025:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw HMOP No.320 of 2025 pending on the file of the Family Court, Salem and transfer the same to the file of the Principal Subordinate Court, Kumbakonam to try along with HMOP No.77 of 2025.

PRAYER in C.M.P No.12902 of 2025:

To stay all further proceedings in HMOP No.320 of 2025 on the file of the Family Court, Salem, pending disposal of the above Tr.CMP.

For Petitioner : Mr.A.Muthukumar

For Respondent : Mr.V.Janarthanan



Tr.C.M.P.Nos.512 & 537 of 2025

Tr.C.M.P.No.537 of 2025

Dr.S.Nivedha

... Petitioner

Vs

Dr.D.Selva Muthu Kumaran

... Respondent

PRAYER in Tr.C.M.P.No.537 of 2025:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw and transfer the OP No.77 of 2025 on the file of the Principal Sub Court, Kumbakonam to the Principal Family Court at Salem for trial.

PRAYER in C.M.P No.13260 of 2025:

To stay all further proceedings in OP No.77 of 2025 on the file of the Principal Sub Court, Kumbakonam.

For Petitioner : Mr.V.Janarthanan

For Respondent : Mr.A.Muthukumar

COMMON ORDER

1. Heard

2. These Transfer Civil Miscellaneous Petitions are filed by the husband and the wife respectively, seeking transfer of the matrimonial proceedings instituted by the other spouse, so that both matters may be tried by one and the same Court.

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3. Tr.C.M.P. No.512 of 2025 is filed by the husband seeking withdrawal of H.M.O.P. No.320 of 2025 from the file of the Family Court, Salem and transfer the same to the file of the Principal Sub Court, Kumbakonam, to be tried along with H.M.O.P. No.77 of 2025 pending at Kumbakonam.

4. Tr.C.M.P. No.537 of 2025 is filed by the wife seeking withdrawal of H.M.O.P. No.77 of 2025 from the file of the Principal Sub Court, Kumbakonam and transfer the same to the file of the Family Court, Salem, to be tried along with H.M.O.P. No.320 of 2025 pending at Salem.

5. The marriage between the parties was solemnized on 02.02.2025 at Kumbakonam. The husband has instituted H.M.O.P. No.77 of 2025 before the Principal Sub Court, Kumbakonam, seeking declaration of nullity of marriage. The wife has instituted H.M.O.P. No.320 of 2025 before the Family Court, Salem, seeking restitution of conjugal rights.

6. The husband contend that if both proceedings are allowed to continue before two different Courts, there is a possibility of conflicting findings and that therefore the Salem proceeding has to be transferred to Kumbakonam.



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7. The wife submit that she is residing at Salem and the distance between Salem and Kumbakonam is more than 250 kilometres, that she has limited support, and that it is extremely difficult and unsafe for her to undertake repeated travel to Kumbakonam. She would therefore seek transfer of the Kumbakonam proceeding to Salem so that both proceedings can be tried together before the Family Court.

8. This Court is conscious that when two matrimonial proceedings between the same parties are pending in two different Courts, they ought not to be tried separately, as it would lead to multiplicity of proceedings, duplication of evidence and the possibility of inconsistent or conflicting decisions. Therefore, both the matters must necessarily be brought before one forum.

9. In matrimonial transfer petitions, while ensuring that connected matters are tried together, the Court is also required to take into account the convenience and hardship, particularly the difficulty in travel and access to effective participation in the proceedings.



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10. In the case on hand, the wife has specifically pleaded that she is residing at Salem, has limited support, and that the distance involved is considerable. Requiring her to travel repeatedly to Kumbakonam would cause undue hardship. On the other hand, by transferring the Kumbakonam proceeding to Salem, both matters can be tried together before the Family Court, Salem, and the object of avoiding conflicting decisions would also be achieved.

11. In these circumstances, this Court is of the considered view that the balance of convenience and the ends of justice warrant allowing Tr.C.M.P. No.537 of 2025 and dismissing Tr.C.M.P. No.512 of 2025.

12. Accordingly, Tr.C.M.P. No. 512 of 2025 is dismissed. Tr.C.M.P. No. 537 of 2025 is allowed. H.M.O.P. No.77 of 2025 on the file of the Principal Sub Court, Kumbakonam, is withdrawn and transferred to the file of the Family Court, Salem, to be tried along with H.M.O.P. No.320 of 2025. The Principal Sub Court, Kumbakonam, shall transmit the entire records to the Family Court, Salem, within three (3) weeks from the date of receipt of this order and the Family Court, Salem, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in



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this order. Interim stay granted by this Court on 11.06.2025 and 16.06.2025

shall stand vacated and C.M.P. Nos.12902 and 13260 of 2025 are closed.

There shall be no order as to costs.

19.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. Principal Sub Court, Kumbakonam
2. Principal Family Court, Salem



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DR. A.D. MARIA CLETE, J

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and
CMP Nos.12902 & 13260 of 2025**

19.01.2026