



Tr.C.M.P.No.517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM:

THE HONOURABLE DR.JUSTICE A.D. MARIA CLETE

Tr.C.M.P. No.517 of 2025

and

C.M.P. No.12925 of 2025

K.Kiruthiga

... Petitioner

-Vs-

G.Arunraj @ Balaji

... Respondent

Prayer in Tr.C.M.P. No.517 of 2025 : Transfer Civil Miscellaneous Petition filed under Section 24 CPC to withdraw H.M.O.P. No.14 of 2025 from the file of the Sub Court, Sankagiri and transfer the same to the file of the Family Court, Salem, to be tried along with M.C. No.49 of 2025.

Prayer in C.M.P. No.12925 of 2025 :Petition filed under Section 151 of the Code of Civil Procedure, praying to grant an order of interim stay of all further proceedings in H.M.O.P. No.14 of 2025, on the file of the Sub Court, Sankagiri, pending disposal of Tr.C.M.P. No.517 of 2025, on the file of this Hon'ble Court.



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For Petitioner : Mr.R.Nalliyappan

For Respondent :Mr.S.Kaithamalai Kumaran

ORDER

1. Heard .
2. The petitioner is the wife. The respondent is the husband. The respondent has instituted H.M.O.P. No.14 of 2025 for divorce on the file of the Sub Court, Sankagiri. The petitioner has instituted M.C. No.49 of 2025 on the file of the Family Court, Salem, seeking maintenance.
3. The case of the petitioner is that the marriage between the parties was solemnized on 03.03.2023 and that there are no children through the wedlock. She states that she is presently residing with her aged parents at Seeragapadi, Salem, and for every hearing in H.M.O.P. No.14 of 2025, she has to travel from Salem to Sankagiri, and her aged parents are not in a position to accompany her each time.



4. The petitioner therefore seeks transfer of H.M.O.P. No.14 of 2025 from the Sub Court, Sankagiri to the Family Court, Salem, so that the same can be tried along with M.C. No.49 of 2025.

5. The respondent resisted the transfer.

6. In the case on hand, the pleadings disclose (i) the petitioner's present residence at Salem with aged parents , (ii) pendency of her maintenance proceedings at Salem , and (iii) the hardship pleaded in travelling to Sankagiri for each hearing. The marriage is admitted to have taken place on 03.03.2023 and there are no children.

7. When two proceedings between the same parties—one for dissolution of marriage and another for maintenance—are pending at different Courts, consolidation by transfer to one forum avoids multiplicity, reduces the scope for inconsistent findings, and ensures effective adjudication. Since the maintenance proceeding is already pending before the Family Court, Salem, and the petitioner pleads difficulty in attending Sankagiri, this Court is satisfied that transfer of the H.M.O.P. to Salem would advance the ends of



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justice. In view of the disposal of the transfer petition, the interim order has to be suitably worked out. Accordingly, the Transfer Civil Miscellaneous Petition is to be allowed.

8. Accordingly, Tr.C.M.P. No.517 of 2025 is allowed. H.M.O.P. No.14 of 2025 on the file of the Sub Court, Sankagiri, is withdrawn and transferred to the file of the Family Court, Salem, to be tried along with M.C. No.49 of 2025. The Sub Court, Sankagiri, 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 this order. Interim stay granted by this Court on 11.06.2025 shall stand vacated and C.M.P. No.12925 of 2025 is closed. There shall be no order as to costs.

30.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. Sub Court, Sankagiri
2. Family Court, Salem



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DR. A.D. MARIA CLETE, J

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