



Tr.C.M.P.No.707 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.707 of 2025
and
C.M.P.Nos.16604 & 16607 of 2025

Jayashree

... Petitioner

Vs.

Gautham

... Respondent

Prayer in Tr.C.M.P. No.707 of 2025 :Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P. No.42 of 2025 on the file of the Hon'ble Subordinate Court, Neyveli and transfer the same to the file of the Hon'ble Family Court, Pondicherry.

Prayer in C.M.P. No.16604 of 2025 :Civil Miscellaneous Petition filed under Section 151 of C.P.C., to stay all further proceedings in H.M.O.P. No.42 of 2025 on the file of the Hon'ble Subordinate Court, Neyveli, pending disposal of

For Petitioner : Mr.E.Chandrasekaran

For Respondent : No appearance



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ORDER

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Heard.

2. The petitioner is the wife. The respondent/husband has filed H.M.O.P. No.42 of 2025 before the Subordinate Court, Neyveli, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act. The present transfer petition is filed to withdraw the said H.M.O.P. and transfer it to the Family Court, Pondicherry.

3. The marriage between the petitioner and the respondent was solemnized on 07.07.2024 at “Shree Raja Rajeswari Thirumana Mandapam”, Pondicherry. The case of the petitioner, in substance, is that she is residing at Pondicherry, and she has also initiated proceedings under the Domestic Violence Act in D.V.C. No.97 of 2025 on the file of the Mahila Court, Pondicherry. She pleads that the distance between Pondicherry and Neyveli is 75 kms and repeated travel to Neyveli for every hearing would cause hardship, whereas the respondent is stated to be gainfully employed and would not be prejudiced if the matter is tried at Pondicherry.

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4. This Court's power under Section 24 C.P.C. is to be exercised to advance the ends of justice. In transfer petitions arising out of matrimonial proceedings, the Court ordinarily weighs the comparative hardship and convenience, particularly where the wife is required to travel and where parallel/connected proceedings are pending at the place sought for transfer.

5. In the case on hand, the petitioner is residing at Pondicherry and the Domestic Violence proceedings are also pending there. If the H.M.O.P. is retained at Neyveli, the petitioner would be constrained to undertake repeated travel, apart from attending the connected proceedings at Pondicherry. On the other hand, no serious prejudice is demonstrated for the respondent if the H.M.O.P. is tried at Pondicherry. Hence, the balance of convenience is in favour of transfer.

6. In view of the above, this Court is of the considered view that it would be just and proper to allow the transfer petition.

7. Accordingly, Tr.C.M.P. No.707 of 2025 is allowed.
H.M.O.P. No.42 of 2025 on the file of the Hon'ble Subordinate Court, Neyveli, is

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withdrawn and transferred to the file of the Hon'ble Family Court, Pondicherry.

The Subordinate Court, Neyveli, shall transmit the entire records to the Family Court, Pondicherry, within three (3) weeks from the date of receipt of this order and the Family Court, Pondicherry 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 16.07.2025 shall stand vacated and C.M.P. No.16604 of 2025 is closed and consequently miscellaneous petition if any is also closed. There shall be no order as to costs.

05.01.2026

dpq

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1. The Subordinate Court,
Neyveli.

2. The Family Court,
Pondicherry.

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DR. A.D. MARIA CLETE, J.

dpq

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C.M.P.Nos.16604 & 16607 of 2025

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