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Tr.C.M.P.No.728 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.728 of 2025

and

C.M.P.No.17003 of 2025

Nathiya

... Petitioner

Vs.

R. Sakthivel

... Respondent

Prayer in Tr.C.M.P. No.728 of 2025: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P. No.43 of 2025 from the file of the Hon'ble Subordinate Court, Madurantagam and transfer the same to the file of the Hon'ble Subordinate Court, Attur, Salem District, to be tried along with H.M.O.P. No.59 of 2025.

Prayer in C.M.P. No.17003 of 2025: Petition to stay all further proceedings in H.M.O.P. No.43 of 2025 on the file of the Hon'ble Subordinate Court, Madurantagam, pending disposal of the Transfer Petition.



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For Petitioner : Mr.L.Mouli
For Respondent : No appearance

ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition has been filed by wife seeking withdrawal of H.M.O.P. No.43 of 2025 (filed for restitution of conjugal rights by the respondent/husband) pending on the file of the Hon'ble Subordinate Court, Madurantagam and to transfer the same to the file of the Hon'ble Subordinate Court, Attur, Salem District, where H.M.O.P. No.59 of 2025 filed by the petitioner/wife is stated to be pending.

3. The petitioner states that she is residing at Attur, Salem District. She further states that she has initiated proceedings in M.C. No.05 of 2025 and D.V.C. No.02 of 2025 before the Judicial Magistrate No.III, at Attur,

4. The petitioner's grievance is that the distance between Attur and Madurantagam is about 280 kms, and she would be put to undue hardship in



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travelling for every hearing/trial at Madurantagam. She also asserts that she has no independent income and is living with her aged widowed mother.

5. This Court has considered the circumstances. It is well settled that in transfer petitions arising out of matrimonial disputes, the convenience and hardship of the wife assumes significance, particularly when multiple connected proceedings are pending at the place where she resides. In the case on hand, the petitioner has placed materials to show that her matrimonial petition H.M.O.P. No.59 of 2025 is pending at Attur and that other allied proceedings are also pending at Attur.

6. If the proceedings remain in two different Courts, apart from inconvenience, there is also a real possibility of overlapping evidence and avoidable multiplicity. The transfer sought would facilitate effective adjudication and avoid the risk of inconsistent findings, as pleaded by the petitioner.

7. In view of the above, this Court is of the considered view that the petitioner has made out a case for transfer.



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8. Accordingly, Tr.C.M.P. No.728 of 2025 is allowed. H.M.O.P. No.43 of 2025 on the file of the Hon'ble Subordinate Court, Madurantagam, is withdrawn and transferred to the file of the Hon'ble Subordinate Court, Attur, Salem District. The Hon'ble Subordinate Court, Madurantagam, shall transmit the entire records to the Hon'ble Subordinate Court, Attur, within three (3) weeks from the date of receipt of this order and the Hon'ble Subordinate Court, Attur, 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 21.07.2025 shall stand vacated and C.M.P. No.17003 of 2025 is 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,
Madurantagam.

2.The Subordinate Court,
Attur.

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DR. A.D. MARIA CLETE, J.

dpq

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and
C.M.P.No.17003 of 2025

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