



Tr.CMP.No.868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.868 of 2025
and C.M.P.No.19577 of 2025

J.Subhalakshmi

... Petitioner

Vs.

P.Sivaraman

... Respondent

Prayer in Tr.CMP: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.20 of 2025 from the file of the Subordinate Court, Tiruttani and transfer the same to the file of the Subordinate Court, Dharapuram.

Prayer in C.M.P : Petition filed under Section 151 of C.P.C., to stay all further proceedings in H.M.O.P. No.20 of 2025 on the file of the Subordinate Court, Tiruttani, pending disposal of the Transfer Civil Miscellaneous Petition.



For Petitioner : Mr.S.Vasavi Sridevi

For Respondent : Mr.A.Velmurugan

ORDER

Heard .

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking withdrawal of H.M.O.P. No.20 of 2025 pending on the file of the Subordinate Court, Tiruttani and for transfer of the same to the file of the Subordinate Court, Dharapuram.

3. The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 23.02.2023 and no child was born in the wedlock. The petitioner has filed H.M.O.P. No.21 of 2024 for divorce on the file of the Subordinate Court, Dharapuram and the said matter is stated to be pending for enquiry. The respondent has filed H.M.O.P. No.20 of 2025 for restitution of conjugal rights on the file of the Subordinate Court, Tiruttani.



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4. The petitioner submits that she is presently residing with her parents at Dharapuram and is unemployed; and that travelling to Tiruttani for each hearing would cause undue hardship, apart from the distance being about 900 kms (up and down). It is also stated that the petitioner has initiated maintenance proceedings in M.C. No.21 of 2024 and domestic violence proceedings in D.V.A. No.10 of 2024 before the Judicial Magistrate Court, Dharapuram.

5. It is further urged that since the divorce petition and the proceedings in H.M.O.P. No.20 of 2025 are pending before two different Courts, there is a likelihood of inconsistent findings; hence, both proceedings ought to be tried by the same Court.

6. This Court has considered the above submissions. The power under Section 24 C.P.C. is meant to advance the cause of justice. In matrimonial matters, while considering transfer, the convenience and hardship of the parties, particularly the wife, the distance involved, and the need to avoid multiplicity and conflicting decisions, are relevant considerations.



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7. In the case on hand, the petitioner-wife is stated to be residing at Dharapuram and is unemployed, and the distance to Tiruttani is substantial. There is also a pending divorce petition at Dharapuram and the petitioner has placed materials showing other connected proceedings at Dharapuram. Consolidation of the matrimonial proceedings before one Court would subserve the ends of justice and avoid conflicting findings.

8. Therefore, this Court is of the view that it is just and necessary to withdraw H.M.O.P. No.20 of 2025 from the file of the Subordinate Court, Tiruttani and transfer the same to the file of the Subordinate Court, Dharapuram.

9. Accordingly, Tr.C.M.P.No.868 of 2025 is allowed. H.M.O.P. No.20 of 2025 on the file of the Subordinate Court, Tiruttani, is withdrawn and transferred to the file of the Subordinate Court, Dharapuram. The Subordinate Court, Tiruttani, shall transmit the entire records to the Subordinate Court, Dharapuram, within three (3) weeks from the date of receipt of this order and the Subordinate Court, Dharapuram shall dispose of



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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 13.08.2025 shall stand vacated and C.M.P. No.19577 of 2025 is closed.

There shall be no order as to costs.

06.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
kkd

To

1. The Subordinate Court, Tiruttani.
2. The Subordinate Court, Dharapuram.



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Dr. A.D.MARIA CLETE, J.

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