



WEB COPY

Tr.CMP No.878



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 878 of 2025

and

CMP No.20046 of 2025

Shoba

...Petitioner(s)

Vs

Sankar

...Respondent(s)

Prayer in Tr.CMP No.878 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleaded to withdraw the H.M.O.P. No.77 of 2025 on the file of the Principal Subordinate Judge, Attur, Salem District and transfer the same to Family Judge Court at Namakkal, Namakkal District.

Prayer in CMP No.20046 of 2025: Petition filed under Section 151 of Civil Procedure Code, pleaded to stay all the proceedings in H.M.O.P. No.77 of 2025 on the file of the Principal Subordinate Judge, Attur, Salem District, pending disposal of the Transfer Petition.

For Petitioner(s) : Mr.B.Vasudevan

For Respondent(s) : No appearance



ORDER

Heard.

2. The petitioner is the wife and the respondent is the husband. The respondent has instituted H.M.O.P.No.77 of 2025 before the Principal Subordinate Judge, Attur, Salem District. The petitioner, stating that she is willing to resume cohabitation, has also instituted F.C.O.P.No.147 of 2025 for restitution of conjugal rights before the Family Court, Namakkal, and the same is stated to be pending.

3. The case of the petitioner, in substance, is that she is residing within Namakkal District; the distance to Attur is stated to be about 50 Kms; she finds it difficult to undertake frequent travel for each hearing; she claims to be without independent income and also pleads health constraints. It is further pleaded that the pendency of the restitution proceedings at Namakkal makes it just and convenient that both matters are tried by the same Court, so as to avoid multiplicity of proceedings and the possibility of conflicting findings.

4. On the materials placed, it is not in dispute that:

The divorce petition is pending at Attur (H.M.O.P.No.77 of 2025), and appear to outweigh the petitioner's pleaded hardship of repeated travel to Attur. In view of the above, this Court is satisfied that transfer is warranted to secure the ends of justice.



5. In matrimonial transfer petitions, the convenience and safety of the wife, the comparative hardship, and the interests of justice are relevant considerations. In the case on hand, the petitioner has shown that she is residing at Namakkal District and that she is already prosecuting her connected matrimonial proceedings before the Family Court at Namakkal. If the divorce petition is also tried at Namakkal, it would facilitate effective participation of the parties, reduce hardship, and enable a holistic adjudication. For the foregoing reasons, this Transfer Civil Miscellaneous Petition deserves to be allowed.

6. Accordingly, Tr.C.M.P.No.878 of 2025 is allowed. The proceedings in H.M.O.P.No.77 of 2025 on the file of the Principal Subordinate Judge, Attur, Salem District, is withdrawn and transferred to the file of the Family Court, Namakkal, Namakkal District. The Principal Subordinate Judge, Attur, Salem District, shall transmit the entire records to the Family Court, Namakkal, Namakkal District, within three(3) weeks from the date of receipt of a copy of this order and the Family Court, Namakkal, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this Court on 18.08.2025 shall stand vacated and CMP No.20046 of 2025 is closed. No costs.

12.01.2026

Index:Yes/No
Internet:Yes
dsn



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DR. A.D.MARIA CLETE

dsn

To

1. The Principal Subordinate Judge, Attur, Salem District.
2. The Family Court, Namakkal.

TR CMP No. 878 of 2025
and CMP No.20046 of 2025

12.01.2026