



Tr.CMP.No.838 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.838 of 2025

and

C.M.P.No.19123 of 2025

... Petitioner

S.Anitha

Vs.

R.Sridharasaravansudhan @ R.S.S.Sudhan

... Respondent

Prayer in Tr.CMP.No.838 of 2025 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.107 of 2025 pending on the file of the Court of the Subordinate Judge, Bhavani and transfer the same to the file of the Principal Family Court, Coimbatore.

Prayer in C.M.P. No.19123 of 2025 : Petition filed under Section 151 CPC to stay all further proceedings in H.M.O.P.No.107 of 2025 pending on the file of the Court of the Subordinate Judge, Bhavani, pending disposal of the Transfer Civil Miscellaneous Petition.



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For Petitioner : Mr.P.Muthukumaarasaamy

For Respondent : Mr.P.Kannan Kumar

ORDER

Heard .

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife under Section 24 of the Code of Civil Procedure, seeking withdrawal of H.M.O.P.No.107 of 2025 from the file of the Court of the Subordinate Judge, Bhavani and transfer of the same to the file of the Principal Family Court, Coimbatore.

3. The case of the petitioner, in brief, is that the marriage between parties solemnized on 07.03.2025. She has filed H.M.O.P.No.680 of 2025 for divorce before the Family Court, Coimbatore on 02.04.2025 and the same is stated to be pending there. She would state that she came to know about the respondent having filed H.M.O.P.No.107 of 2025 for restitution of conjugal rights before the Subordinate Judge, Bhavani only on 02.06.2025, and that the said petition is posted on 11.08.2025.



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4. It is the further case of the petitioner that she is presently residing at Coimbatore with her aged parents and she also has to take care of her only female child, aged about ten years, and therefore, she may find it difficult to travel to Bhavani to attend the proceedings. She also points out that her divorce proceedings are pending at Coimbatore and seeks that both proceedings be before the same Court at Coimbatore.

5. In matrimonial proceedings, the paramount consideration while deciding a transfer request is to ensure that the ends of justice are met and that undue hardship is not caused to a party, particularly when the petitioner is the wife having the responsibility of a minor child and aged parents. On the facts pleaded, the petitioner has shown genuine difficulty in travelling to Bhavani for each hearing.

6. Further, the petitioner's divorce petition is pending before the Family Court at Coimbatore. Having both matters tried by the same competent Family Court would avoid multiplicity of proceedings and



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facilitate effective adjudication. In such view of the matter, this Court is inclined to allow the Transfer Civil Miscellaneous Petition.

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7. Accordingly, Tr.C.M.P.No.838 of 2025 is allowed. H.M.O.P.No.107 of 2025 on the file of the Court of the Subordinate Judge, Bhavani, is withdrawn and transferred to the file of the Principal Family Court, Coimbatore. The Court of the Subordinate Judge, Bhavani, shall transmit the entire records to the Principal Family Court, Coimbatore, within three (3) weeks from the date of receipt of this order and the Principal Family Court, Coimbatore 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 08.08.2025 shall stand vacated and C.M.P.No.19123 of 2025 is closed. There shall be no order as to costs.

06.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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Dr. A.D.MARIA CLETE, J.

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To

- 1.The Subordinate Court, Bhavani.
2. The Principal Family Court, Coimbatore.

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