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TR CMP No. 867 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE MRS.JUSTICE R. KALAIMATHI

TR.CMP.No. 867 of 2025
and CMP No.19552 of 2025

P. Saravanan
S/o. Palanisamy

..Petitioner(s)

Vs.

Minor.Thigal
Rep by his mother and natural guardian Karthika,

..Respondent(s)

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C. seeking to withdraw the case in O.S.No.299 of 2023 pending on the file of Learned Sub Court at Avinashi and transfer from the above said case to V Additional Family Court at Chennai for being tried along with H.M.O.P. No. 3389 of 2023.

For Petitioner(s): Mr.M.R.Radhakrishnan

For Respondent(s): Mr.K.P.Satish Kumar

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

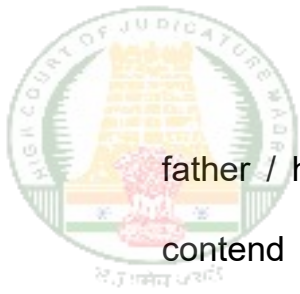


2. The petitioner is the respondent in O.S.No.299 of 2023, pending on the file of Sub Court at Avinashi. The said Suit is filed on behalf of the minor child by the mother for the relief of maintenance and to create charge over the Suit property. The petitioner / husband has filed this Transfer Civil Miscellaneous Petition seeking to transfer the said O.S.No.299 of 2023 to the file of the V Additional Family Court at Chennai.

3.The petitioner viz. P.Saravanan, S/o.Palanisamy / husband would aver that the respondent viz. Smt.Karthika has also instituted H.M.O.P.No.3389 of 2023 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, for an order of divorce and it is pending before the learned V Additional Family Court in Chennai. He would also further aver that the respondent / wife is presently residing at Ashok Nagar, Chennai, and working in Chennai.

4.The said details are reflected in the petition filed in H.M.O.P.No.3389 of 2023, filed by the respondent / wife, in which, the petitioner / wife has shown her address - No.20/21, 45th Street, 9th Avenue, Ashok Nagar, Chennai 600 083. It appears that the boy child, aged about six (6) years is also studying in Chennai.

5.Learned counsel for the respondent would strenuously contend that there is no necessity to try both the cases together and the convenience of the



father / husband should not be taken into consideration. He would further contend that the witnesses in O.S.No.299 of 2023 are residing within the jurisdiction of Sub Court, Avinashi.

6.The Suit is instituted by the mother in the year 2023, on behalf of her minor child for maintenance before the Sub Court, Avinashi. The respondent / wife has taken out an Original Petition for an order of divorce, which is pending before the V Additional Family Court, Chennai, in H.M.O.P.No.3389 of 2023, wherein, she has stated that she is residing in Chennai along with her minor son.

7.No doubt that no joint trial can be conducted in both the matters, as the Suit is filed for the maintenance on behalf of the minor. H.M.O.P.No.3389 of 2023 is instituted by the wife for an order of divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. In fact, this transfer would facilitate the wife / respondent and she need not to go to Avinashi from Chennai for hearings. In such circumstances, the reasons shown by the petitioner / husband are very reasonable and justifiable and this Court is inclined to allow this Petition.

8.In consideration of the above said details, this Transfer Civil Miscellaneous Petition stands ordered. Sequel to this, O.S.No.299 of 2023 pending on the file of the Sub Court at Avinashi, is withdrawn and transferred



R.KALAIMATHI, J.

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to the file of the V Additional Family Court, Chennai. The V Additional Family Court, on receipt of the records to try and dispose of the matter in accordance with law at the earliest. No Costs. Consequently, the connected C.M.P.No.19552 of 2025 stands closed.

24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To.

1.The Sub Court
Avinashi

2.V Additional Family Court
Chennai.

TR.CMP.No. 867 of 2025
and CMP No.19552 of 2025