



Tr.CMP.No.822 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.822 of 2025
and C.M.P.No.18977 of 2025

Sivashankari alias Mythili

... Petitioner

Vs.

Vijay Babu

... Respondent

Prayer in Tr.CMP.No.822 of 2025 : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.26 of 2025 on the file of the Sub Court / Subordinate Judge, Harur and transfer the same to the file of the Additional Family Court, Coimbatore to be tried along with M.C.No.14 of 2025.

Prayer in C.M.P. No.18977 of 2025 : Civil Miscellaneous Petition filed under Section 151 of C.P.C., to stay all further proceedings in **H.M.O.P. No.26 of 2025** on the file of the Sub Court / Subordinate Judge, Harur, pending disposal of the Transfer C.M.P.



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For Petitioner : Mr.C.Veera Raghavan

For Respondent : No Appearance

ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking transfer of H.M.O.P.No.26 of 2025 (petition for restitution of conjugal rights) filed by husband pending on the file of the Sub Court / Subordinate Judge, Harur, to the file of the Additional Family Court, Coimbatore, to be tried along with M.C.No.14 of 2025 pending between the parties.

3. The case of the petitioner, in brief, is that the marriage between parties took place on 01.06.2023; out of the wedlock, a minor female child was born; she is residing at Coimbatore and is also prosecuting M.C.No.14 of 2025 before the Additional Family Court, Coimbatore. The petitioner pleads that Harur is at a far distance from Coimbatore and that she would be put to serious hardship in travelling with the minor child to Harur for every hearing.



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4. The petitioner has further stated that the respondent has filed H.M.O.P.No.26 of 2025 at Harur and that the transfer is sought to avoid hardship, and also to have both proceedings tried by the same Court, so that inconsistent findings and multiplicity may be avoided.

5. This Court has considered the pleadings and the relief sought. The power under Section 24 C.P.C. is discretionary and is exercised to advance the ends of justice. In matrimonial matters, the comparative convenience and hardship is a relevant consideration, and when the wife has custody of a minor child and is required to attend proceedings at a distant place, the balance of convenience ordinarily tilts in favour of transfer, unless serious prejudice is shown.

6. In the present case, the petitioner is residing at Coimbatore and that M.C.No.14 of 2025 is pending on the file of the Additional Family Court, Coimbatore. The proceedings sought to be transferred is H.M.O.P.No.26 of 2025 pending at Harur. Having both proceedings in one Court would also facilitate effective adjudication, reduce



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avoidable travel, and minimize scope for conflicting decisions. In the above circumstances, this Court is satisfied that the petitioner has made out sufficient cause for transfer.

7. Accordingly, Tr.C.M.P.No.822 of 2025 is allowed. H.M.O.P.No.26 of 2025 on the file of the Subordinate Judge, Harur, is withdrawn and transferred to the file of the Additional Family Court, Coimbatore, to be tried along with M.C.No.14 of 2025. The Subordinate Judge, Harur, shall transmit the entire records to the Additional Family Court, Coimbatore, within three (3) weeks from the date of receipt of this order and the Additional Family Court, Coimbatore 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 07.08.2025 shall stand vacated and C.M.P. No.18977 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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A.D.MARIA CLETE, J.

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To

1. The Sub Court / Subordinate Judge, Harur.
2. The Additional Family Court, Coimbatore.

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06.01.2026