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Tr.C.M.P.No.808 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.808 of 2025

and

C.M.P.No.18585 of 2025

N.C.Rupashree

... Petitioner

Vs

M.Jagadeesh

... Respondent

PRAYER in Tr.C.M.P: This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw H.M.O.P. No.68 of 2025 on the file of the Subordinate Court, Arakonam and transfer the same to the file of the Subordinate Court, Gudiyatham, Vellore District.

PRAYER in C.M.P:

Petition to stay all further proceedings in H.M.O.P. No.68 of 2025 on the file of the Subordinate Court, Arakonam, pending disposal of the Transfer C.M.P.

For Petitioner : Mr.Rajkumar.J

For Respondent : Mr.M.Mohammed Hasain



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ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by wife seeking transfer of H.M.O.P. No.68 of 2025 (filed by the respondent-husband for restitution of conjugal rights) before the Subordinate Court, Arakonam to the Subordinate Court, Gudiyatham, where the petitioner-wife's matrimonial proceedings are pending.

3. The petitioner states that the marriage between the parties was solemnized on 21.08.2023 at Gudiyatham and disputes arose thereafter. She has instituted H.M.O.P. No.91 of 2024 before the Subordinate Court, Gudiyatham, and the respondent has filed his counter on 18.07.2025; the matter is stated to be at the stage of cross-examination.

4. The respondent, thereafter, filed H.M.O.P. No.68 of 2025 for restitution of conjugal rights before the Subordinate Court, Arakonam, on 28.03.2025. The petitioner has received summons and the proceedings were posted initially on 09.04.2025 and later to 01.08.2025 for further steps.



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5. The petitioner's case is that she is employed in a private bank at HDFC Bank, Porur Branch, Chennai, and is presently residing at Chennai in connection with employment. She is already attending the proceedings at Gudiyatham and contends that attending parallel proceedings at Arakonam would cause physical, mental and financial hardship and also affect her employment due to difficulty in obtaining frequent leave. She further pleads apprehension at Arakonam on the ground that the respondent and his family are locally influential.

6. It is also pleaded that both proceedings arise out of the same marital relationship and that trying them in two different Courts may lead to multiplicity of proceedings and possibility of conflicting decisions; therefore, for effective adjudication, both matters ought to be before the same Court.

7. This Court, while considering a petition under Section 24 CPC in matrimonial matters, must ensure that the ends of justice are served, that avoidable multiplicity is prevented, and that the parties are not put to undue



hardship. In transfer petitions arising out of matrimonial disputes, the convenience and difficulty pleaded by the wife, if found bona fide, is a relevant and weighty consideration.

8.The learned counsel for the respondent has not raised any serious objection to allow this petition.

9. In the case on hand, H.M.O.P. No.91 of 2024 is pending before the Subordinate Court, Gudiyatham and has progressed to the stage indicated above. The petitioner is stated to be working at Chennai and has specifically pleaded employment constraints and hardship in attending two Courts. Further, since both proceedings stem from the same marriage, it is appropriate that they are dealt with by the same Court to avoid inconsistent findings and to ensure effective adjudication.

10. Considering the above circumstances, this Court is satisfied that transfer of H.M.O.P. No.68 of 2025 from the Subordinate Court, Arakonam, to the Subordinate Court, Gudiyatham, is warranted in the interest of justice.



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11. Accordingly, Tr.C.M.P. No.808 of 2025 is allowed. H.M.O.P. No.68 of 2025 on the file of the Subordinate Court, Arakonam, is withdrawn and transferred to the file of the Subordinate Court, Gudiyatham, Vellore District. The Subordinate Court, Arakonam, shall transmit the entire records to the Subordinate Court, Gudiyatham, within three (3) weeks from the date of receipt of a copy of this order and the Subordinate Court, Gudiyatham, 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 01.08.2025 shall stand vacated and C.M.P. No.18585 of 2025 is closed. There shall be no order as to costs.

06.01.2026

mfa

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. Subordinate Court, Arakonam
2. Subordinate Court, Gudiyatham, Vellore District.



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DR. A.D. MARIA CLETE, J

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