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Tr.CMP No.807



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 807 of 2025

and

CMP No.18569 of 2025

Mrs.Pavithra

...Petitioner(s)

Vs.

Mr.N.Thiyagarajan

...Respondent(s)

Prayer in Tr.CMP No.807 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleaded to withdraw the H.M.O.P.No.545 of 2025 on the file of the Family Court, Kaniyakumari at Nagercoil and transfer the same to the Family Court, Chennai by appreciating the above said facts and circumstance of the case and thus render justice.

Prayer in CMP No.18569 of 2025: Petition filed under Section 151 of Code of Civil Procedure, pleaded to stay all further proceedings in H.M.O.P.No.545 of 2025 on the file of the Family Court, Kaniyakumari at Nagercoil pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner(s) : Mr.M.Dinesh.

For Respondent(s) : No appearance.



ORDER

Heard

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1. This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure seeking to withdraw H.M.O.P. No.545 of 2025 pending on the file of the Family Court, Kanyakumari at Nagercoil and to transfer the same to the file of the Family Court, Chennai.
2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.06.2022 in Chengalpattu District. The respondent earlier filed a divorce petition in H.M.O.P. No.387 of 2024 before the Family Court, Nagercoil and the same was transferred to the file of the Family Court, Chennai in Tr.C.M.P. No.24 of 2025, by order dated 05.06.2025.
3. The learned counsel for the petitioner submits that due to lack of awareness, the petitioner/wife subsequently filed a petition for restitution of conjugal rights in H.M.O.P. No.545 of 2025 before the Family Court, Kanyakumari at Nagercoil. Since the matrimonial proceedings between the parties are already pending before the Family Court, Chennai, continuation of the present proceedings at a different forum may result in multiplicity of proceedings and inconsistent orders.
4. Considering the above submissions and having regard to the fact that the



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earlier matrimonial proceedings between the parties are pending before the Family Court, Chennai, this Court is of the view that the transfer sought for deserves to be ordered, in order to avoid inconsistent and conflicting orders and to secure the ends of justice.

5. Accordingly, Tr.C.M.P. No.807 of 2025 is allowed. H.M.O.P. No.545 of 2025 on the file of the Family Court, Kanyakumari at Nagercoil, is withdrawn and transferred to the file of the Family Court, Chennai. The Family Court, Kanyakumari at Nagercoil, shall transmit the entire records to the Family Court, Chennai, within three (3) weeks from the date of receipt of this order and the Family Court, Chennai 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.18569 of 2025 is closed. There shall be no order as to costs.

27.01.2026

Index:Yes/No
Neutral Citation:Yes/No
Internet:Yes
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DR. A.D.MARIA CLETE

dsn

To

1. The Family Court, Kanyakumari at Nagercoil
2. The Family Court, Chennai.

TR CMP No.807 of 2025
and CMP No.18569 of 2025

27.01.2026