



Tr.CMP.No.892 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.892 of 2025

and

C.M.P.No.20381 of 2025

Umamaheshwari

... Petitioner

Vs.

Pandian.R

... Respondent

Prayer in Tr.CMP: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.15 of 2025 from the file of the Subordinate Court, Tambaram and transfer the same to the file of the Family Court, Chennai and pass such further or other orders.

Prayer in C.M.P : Petition filed under Section 151 of C.P.C., to stay all further proceedings in H.M.O.P. No.15 of 2025 on the file of the Subordinate Court, Tambaram, pending disposal of the Transfer Civil Miscellaneous Petition.

For Petitioner : Mr.K.Zeenathshariffa



Tr.CMP.No.892 of 2025

For Respondent : Mr.S.Nelsan

ORDER

Heard .

2. The petitioner / wife of the respondent, has filed this Transfer Civil Miscellaneous Petition under Section 24 of the Code of Civil Procedure seeking withdrawal of H.M.O.P. No.15 of 2025 pending on the file of the Subordinate Court, Tambaram, and transfer of the same to the file of the Family Court, Chennai.

3. The marriage between petitioner and respondent solemnised on 20.08.2025. The respondent is the husband. The respondent has instituted H.M.O.P.No.15 of 2025 on the file of the Subordinate Court, Tambaram. The petitioner states that she is residing at Old Washermenpet, Chennai, along with two minor children and that she is required to travel about 35 kilometres to attend the proceedings at Tambaram, which, according to her, causes hardship and inconvenience, more particularly with minor children and without adequate assistance. The petitioner has also stated that she apprehends harassment/threats and that she would be able to effectively



participate in the proceedings only if the case is transferred to a nearer forum.

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4. The petitioner further points out that she has already filed a matrimonial proceeding in O.P.No.740 of 2025 and the same is pending before the III Additional Family Court at Chennai, and therefore, for avoidance of multiplicity of proceedings and conflicting decisions, it would be appropriate that the proceedings between the parties are tried by the same Court at Chennai.

5. The learned counsel for the respondent has not raised any serious objection to transfer the case. This Court has considered the submissions. In transfer petitions arising out of matrimonial disputes, the convenience of the wife, particularly when she is having the custody of minor children, is a relevant consideration. When one of the connected matrimonial proceedings is already pending before the competent Family Court at Chennai, it would be in the interest of justice to have the proceedings consolidated before the same forum, so that parties are not driven to different Courts and inconsistent



Tr.CMP.No.892 of 2025

findings are avoided. No serious prejudice would be caused to the respondent by such transfer, whereas the hardship projected by the petitioner appears to be bonafide. In the above circumstances, this Court is inclined to allow the Transfer Civil Miscellaneous Petition.

6. Accordingly, Tr.C.M.P.No.892 of 2025 is allowed. H.M.O.P.No.15 of 2025 on the file of the Subordinate Judge, Tambaram, is withdrawn and transferred to the file of the Family Court, Chennai. The Subordinate Judge, Tambaram, 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 20.08.2025 shall stand vacated and C.M.P. No.20381 of 2025 is closed. There shall be no order as to costs.

06.01.2026

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
kkd



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Tr.CMP.No.892 of 2025

Dr. A.D.MARIA CLETE, J.

kkd

To

1. The Subordinate Court, Tambaram.
2. The Family Court, Chennai .

Tr.CMP.No.892 of 2025

06.01.2026