



Tr.CMP.No.1235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.CMP.No.1235 of 2024

and

C.M.P.No.26834 of 2024

Monika

... Petitioner

Vs.

Mukesh Kannan

... Respondent

Prayer in Tr.C.M.P.No : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.63 of 2024 pending on the file of the Sub Court, Mudukulathur, Ramanathapuram District and to transfer the same to the file of the Sub Court, Mettupalayam, Coimbatore District and to try along with H.M.O.P.No.119 of 2024.

Prayer in C.M.P.: Civil Miscellaneous Petition filed under Section 151 of C.P.C., to stay all further proceedings in H.M.O.P.No.63 of 2024 pending on the file of the Sub Court, Mudukulathur, Ramanathapuram District, pending disposal of the Transfer Civil Miscellaneous Petition.



For Petitioner : Mr.N.Arunkumar

For Respondent : No Appearance

ORDER

Heard.

2. The petitioner is the wife and the respondent is the husband.

This Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.63 of 2024 pending on the file of the Sub Court, Mudukulathur, Ramanathapuram District and to transfer the same to the file of the Sub Court, Mettupalayam, Coimbatore District and to try along with H.M.O.P.No.119 of 2024.

3. The marriage between the parties was solemnized on 03.06.2022. A male child was born to them on 16.03.2023. It is the case of the petitioner that she is residing at her parental home at Mettupalayam along with the minor child.



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4. The respondent has filed H.M.O.P.No.63 of 2024 on the file of the Sub Court, Mudukulathur, Ramanathapuram District, seeking restitution of conjugal rights. The petitioner, in turn, has filed H.M.O.P.No.119 of 2024 on the file of the Sub Court, Mettupalayam, Coimbatore District, seeking dissolution of marriage.

5. The petitioner seeks transfer of H.M.O.P.No.63 of 2024 from Sub Court, Mudukulathur to Sub Court, Mettupalayam, to be tried along with H.M.O.P.No.119 of 2024. The reasons assigned are that she has the custody of the tender-aged child, she has no independent support to travel and attend hearings at Mudukulathur, and that the distance involved is substantial, resulting in hardship and avoidable expenses. She would be seriously prejudiced if compelled to prosecute the proceedings at a distant place.

6. Today, when the matter is taken up for hearing, there is no representation for the respondent. Considering the submissions made by the Learned counsel for the petitioner, this Court is of the view to allow the petition.



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7. This Court has considered the rival circumstances. The two proceedings arise out of the matrimonial relationship between the very same parties and the issues are intertwined. A joint/combined adjudication by one Court would avoid multiplicity of proceedings and the possibility of conflicting findings. Further, in transfer petitions arising out of matrimonial proceedings, the convenience of the wife, particularly when she is stated to be residing with a minor child, is a weighty consideration.

8. In the light of the above facts and circumstances, this Court is satisfied that it would be just and proper to withdraw H.M.O.P.No.63 of 2024 from the file of the Sub Court, Mudukulathur, Ramanathapuram District and transfer the same to the file of the Sub Court, Mettupalayam, Coimbatore District, to be tried along with H.M.O.P.No.119 of 2024.

9. Accordingly, Tr.C.M.P. No.1235 of 2024 is allowed. H.M.O.P. No.63 of 2024 on the file of the Sub Court, Mudukulathur, Ramanathapuram District, is withdrawn and transferred to the file of the



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Sub Court, Mettupalayam, Coimbatore District.

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The Sub Court, Mudukulathur, shall transmit the entire records to the Sub Court, Mettupalayam, within three (3) weeks from the date of receipt of this order and the Sub Court, Mettupalayam 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 26.11.2024 shall stand vacated and C.M.P. No.26834 of 2024 is closed.

There shall be no order as to costs.

07.01.2026

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

To

1. The Sub Court, Mudukulathur, Ramanathapuram District.
2. The Sub Court, Mettupalayam, Coimbatore District.



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Dr. A.D.MARIA CLETE, J.

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