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TR CMP No. 1353 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 1353 of 2024 and 702 of 2025

and

CMP No. 16590 of 2025, 29208 and 29209 of 2024

TR CMP No. 1353 of 2024

Vanaja

..Petitioner

Vs

Saravanakumar Kannaiyan

..Respondent

TR CMP No. 702 of 2025

Saravanakumar kannaiyan

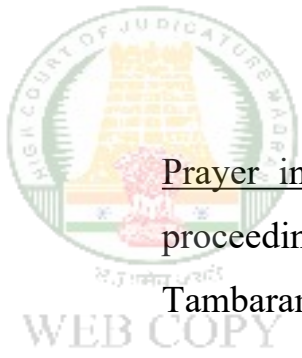
..Petitioner

Vs

Vanaja

..Respondent

Prayer in TR CMP No. 1353 of 2024: Petition filed under Section 24 C.P.C., to withdraw and transfer H.M.O.P. No.136 of 2024 on the file of the Subordinate Court, Tambaram, to the file of the Subordinate Court, Nagapattinam, to be tried along with H.M.O.P. No.54 of 2024 on the file of the Subordinate Court, Nagapattinam.



Prayer in C.M.P. No.29208 of 2024 : To grant interim stay of all further proceedings in H.M.O.P. No.136 of 2024 on the file of the Subordinate Court, Tambaram.

Prayer in C.M.P. No.29209 of 2024 : Petition to dispense with the personal appearance of the Respondent/Petitioner pending before the Sub-Court, Tambaram in proceedings in HMOP No.136 of 2024.

Prayer in Tr.C.M.P. No.702 of 2025 : Petition filed under Section 24 C.P.C., to withdraw and transfer H.M.O.P. No.54 of 2024 on the file of the Subordinate Court, Nagapattinam, to the file of the Subordinate Court, Tambaram, to be tried along with H.M.O.P. No.136 of 2024 on the file of the Subordinate Court, Tambaram.

Prayer in C.M.P. No.16590 of 2025 : Petition to grant interim stay of all further proceedings in H.M.O.P. No.54 of 2024 on the file of the Subordinate Court, Nagapattinam.

TR CMP No. 1353 of 2024

For Petitioner:	Mr.M.Jothi Kumar
For Respondent:	Mr.K.Shanmugakhani

TR CMP No. 702 of 2025

For Petitioner:	Mr.K.Shanmugakhani
For Respondent:	Mr.M.Jothi Kumar

**COMMON ORDER**

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Heard the learned counsel appearing on either side.

2. Since both Transfer Civil Miscellaneous Petitions arise out of inter se matrimonial proceedings between the same spouses and seek transfer of one H.M.O.P. to the forum where the other is pending, they are disposed of by this common order.

3. The wife is the petitioner in Tr.C.M.P. No.1353 of 2024, seeking transfer of H.M.O.P. No.136 of 2024 from the Subordinate Court, Tambaram, to the Subordinate Court, Nagapattinam, where H.M.O.P. No.54 of 2024 is pending.

4. The husband is the petitioner in Tr.C.M.P. No.702 of 2025, seeking the reverse transfer of H.M.O.P. No.54 of 2024 from Nagapattinam to Tambaram.

5. Learned counsel for the petitioner/husband submitted that Section 21A of the Hindu Marriage Act would not be attracted in the present case, since according to him, the Court at Nagapattinam lacks territorial jurisdiction, as the respondent/wife has been residing at Tiruchirappalli from the year 2023

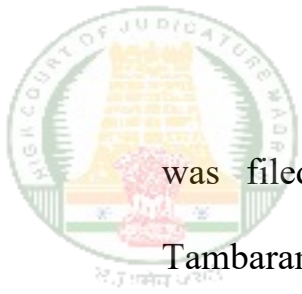


onwards. It is contended that the address shown for the purpose of invoking jurisdiction under Section 19 of the Act is incorrect, and therefore the proceedings instituted at Nagapattinam are before a wrong forum. The learned counsel also raised certain personal allegations and apprehensions, contending that transfer of the proceedings to Nagapattinam would cause prejudice to the petitioner.

6. Per contra, learned counsel for the respondent/wife submitted that H.M.O.P. No.54 of 2024 was presented on 15.04.2024 seeking divorce on the ground of cruelty, and that upon taking cognizance, notice was issued and the husband has already entered appearance and filed his counter. It is submitted that the petition was instituted on the basis of the residential address pleaded, and therefore jurisdiction is properly invoked. It is further contended that any objection as to territorial jurisdiction is a matter to be raised before the Court concerned, and cannot defeat the statutory consequence flowing from Section 21A. Both sides also addressed arguments touching upon Section 10 CPC.

7. This Court has considered the rival submissions.

8. Both are petitions under Section 13 of the Hindu Marriage Act for divorce. The following are the dates of presentation of the respective matrimonial petitions:(i) H.M.O.P. No.54 of 2024, Sub Court, Nagapattinam



was filed on 15.04.2024; and(ii) H.M.O.P.No.136 of 2024, Sub Court, Tambaram was filed on 25.04.2024.Thus, in point of time, admittedly H.M.O.P. No.54 of 2024 is the earlier petition and H.M.O.P. No.136 of 2024 is the later petition.

9. Section 21A of the Hindu Marriage Act, 1955 is a special provision enacted to prevent parallel matrimonial proceedings between the same parties and to avoid the possibility of conflicting decisions. Sub-section (1)(b) is attracted where, after one spouse has instituted a petition for divorce or judicial separation, the other spouse subsequently files a similar petition, whether before the same Court or another Court. In such circumstances, sub-section (2) stipulates the course to be mandatorily followed for disposal of the proceedings.

10. In the present case, both proceedings are under Section 13 of the Act, and the dates on record show that H.M.O.P. No.54 of 2024 filed at Nagapattinam is earlier (15.04.2024) and H.M.O.P. No.136 of 2024 filed at Tambaram is later (25.04.2024). Therefore, Section 21A squarely applies, and the later petition is liable to be transferred to the Court where the earlier petition is pending.

11. As regards the submissions touching upon territorial jurisdiction, this Court is not expressing any opinion on the same. As rightly contended by the



learned counsel for the petitioner/wife such objections, if available in law, are matters to be urged before the Court concerned. They do not, at this stage, detract from the statutory mandate under Section 21A.

12. In view of the mandate under Section 21A(2)(b) read with Section 21A(3) of the Hindu Marriage Act, H.M.O.P. No.136 of 2024 pending before the Subordinate Court, Tambaram, shall be transferred to the Subordinate Court, Nagapattinam, to be tried along with H.M.O.P. No.54 of 2024. Consequently, the husband's transfer petition seeking the converse transfer is liable to be dismissed.

13. Accordingly, **Tr.C.M.P. No.1353 of 2024 is allowed.** H.M.O.P. No.136 of 2024 on the file of the Subordinate Court, Tambaram, is withdrawn and transferred to the file of the Subordinate Court, Nagapattinam. The Subordinate Court, Tambaram, shall transmit the entire records to the Subordinate Court, Nagapattinam, within a period of three (3) weeks from the date of receipt of a copy of this order.

14. The Subordinate Court, Nagapattinam shall dispose of both the petitions in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 19.12.2024 shall stand vacated and C.M.P. No.29209 of 2024 is closed. There



shall be no order as to costs.

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15. In view of the above, Tr.C.M.P. No.702 of 2025 is dismissed. Interim stay granted by this Court on 16.07.2025 shall stand vacated and C.M.P. No.16590 of 2025 is closed. There shall be no order as to costs.

02-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHL/MFA

To:

1. The Subordinate Judge, Tambaram
2. The Subordinate Judge, Nagapattinam



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TR CMP No. 1353 of 2



DR.A.D.MARIA CLETE J.

SHL/MFA

**TR CMP No. 1353 of 2024 and 702 of 2025
and
CMP NO. 16590 of 2025, 29208 and 29209 of 2024**

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