



WEB COPY

TR CMP No. 1290 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

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

TR CMP No. 1290 of 2025

Niveditha

..Petitioner

Vs

Nishanth.G

..Respondent

Prayer in TR CMP No. 1290 of 2025: Petition filed under section 24 of CPC to order for withdrawal of HMOP No.228 of 2025 on the file of the Learned Sub Ordinate Court, Tambaram and consequently transfer the same to the file of the Learned III Addl. Family Court, Chennai to be tried along with HMOP. No.2927 of 2025.

For Petitioner:

S.Kartik

For Respondent:

No appearance



Order

Heard.

2. This Transfer Miscellaneous Petition is filed by the petitioner/wife seeking withdrawal of HMOP No.228 of 2025 from the file of the Sub Ordinate Court, Tambaram and consequently transfer the same to the file of the III Additional Family Court, Chennai to be tried along with HMOP. No.2927 of 2025.

3. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnised on 23.06.2023 at Thiruthangal Nadar Arangam, Washermanpet Chennai as per Hindu rites and customs and out of the wedlock a male child is born on 01.01.2024.

4. The petitioner wife filed a case under section 9 of the Hindu Marriage Act in HMOP No.228 of 2025 seeking for restitution of conjugal right before the Sub Ordinate Court, Tambaram and the case is in the stage of filing counter. Respondent/husband has filed a case in H.M.O.P. No. 2927 of 2025 on the file of the Learned III Additional Family Court, Chennai.

5. The learned counsel for the petitioner/wife submitted that in the case



filed by husband in H.M.O.P. No. 2927 of 2025 the counselling process has been started, whereas, in the case filed by the petitioner wife in H.M.O.P. No. 228 of 2025 before the Sub Court, Tambaram, the matter is yet to be referred to counselling or mediation. It is also submitted that no prejudice would be caused to the respondent, if the transfer petition is allowed.

6. Today, when the matter is taken up for hearing, there is no representation for the respondent.

7. In the present case, it was submitted that both residing in Chennai and their one year old child is with the petitioner and the petitioner herself wants the case instituted by her to be transferred to III Additional Family Court Chennai. Therefore in order to avoid conflicting decisions from two different Courts in respect of the same matrimonial dispute between the same parties, it is just and proper that H.M.O.P. No. 228 of 2025, pending before the Learned Subordinate Court, Tambaram, be transferred to the file of the Learned III Additional Family Court, Chennai, to be tried along with H.M.O.P. No. 2927 of 2025 which is a which is a specialised forum for adjudicating matrimonial matter.

8. Accordingly, TR CMP No. 1290 of 2025 is allowed. HMOP No.228 of 2025 on the file of the Sub Ordinate Court, Tambaram is withdrawn and transferred to the file of the III Additional Family Court, Chennai. The



Subordinate Court, Tambaram shall transmit the entire records to the III Additional Family Court, Chennai within three weeks from the date of receipt of this order and the III Additional Family Court, Chennai shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. There shall be no order as to costs.

05-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHL

To

1. The Sub Ordinate Court, Tambaram
2. The III Addl. Family Court, Chennai



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DR.A.D.MARIA CLETE J.

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