



Tr.C.M.P.No.1316 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.1316 of 2025

M. Priya

... Petitioner

Vs.

Karthik.S

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer H.M.O.P. No.843 of 2025 pending on the file of the III Additional Family Court and transfer the same to the Sub Court at Tambaram.

For Petitioner : Mr.Mahesh Kumar.S

For Respondent : Ms.D.Vinisha



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ORDER

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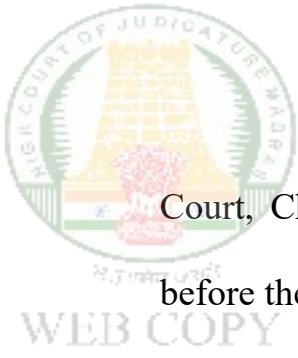
Heard.

2. This Transfer Civil Miscellaneous Petition has been filed by wife seeking withdrawal and transfer of H.M.O.P. No.843 of 2025 (filed for restitution of conjugal rights) pending on the file of the Hon'ble III Additional Family Court, Chennai to the file of the Hon'ble Sub Court, Tambaram.

3. The petitioner/wife state that she has instituted the restitution proceedings in H.M.O.P. No.843 of 2025 before the Family Court, Chennai. It is also stated that the respondent/husband has filed H.M.O.P.No.191 of 2025 before the Sub Court, Tambaram, and summons has been received by the petitioner. The petitioner further states that her office is inside MEPZ and she is also shifting her residence to Tambaram, and therefore it would be convenient if the matters are tried at Tambaram.

4. The materials placed indicate that the restitution proceedings in H.M.O.P. No.843 of 2025 are pending before the III Additional Principal Judge, Family

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Court, Chennai. The divorce proceedings in O.P. No.191 of 2025 are pending before the Sub Judge, Tambaram, and the case is posted for filing counter.

5. This Court, while exercising jurisdiction under Section 24 of C.P.C., has to consider the convenience of parties and the need to avoid multiplicity of proceedings and the possibility of conflicting decisions. Here, both proceedings are between the same parties arising out of the same matrimonial relationship; one is for restitution of conjugal rights and the other is for dissolution of marriage.

6. When the divorce proceedings are already pending before the competent Court at Tambaram and the petitioner seeks transfer of the restitution proceedings to the very same Court, the ends of justice would be served by directing joint/combined trial by the transferee Court, thereby avoiding parallel adjudication. No serious prejudice would be caused to the respondent, particularly when he has already invoked the jurisdiction of the Sub Court, Tambaram in O.P. No.191 of 2025.

7. In view of the above reasons, this Court is inclined to allow the Transfer Civil Miscellaneous Petition.



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8. Accordingly, Tr.C.M.P. No.1316 of 2025 is allowed. H.M.O.P. No.843 of 2025 on the file of the III Additional Family Court, Chennai, is withdrawn and transferred to the file of the Subordinate Judge, Tambaram. The III Additional Family Court, Chennai, shall transmit the entire records to the Subordinate Judge, Tambaram, within three (3) weeks from the date of receipt of this order and the Subordinate Judge, Tambaram shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Connected CMPs if any is closed. There shall be no order as to costs.

05.01.2026

dpq

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



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DR. A.D. MARIA CLETE, J.

dpq

To

1. The III Additional
Family Court, Chennai.

2. The Sub Court,
Tambaram.

Tr.C.M.P. No.1316 of 2025

Dated: 05.01.2026