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Tr.C.M.P.Nos.1332 & 1134 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. Nos.1332 & 1134 of 2025

and

C.M.P.Nos.30758 & 25722 of 2025

Tr.C.M.P.No.1332 of 2025

S.Rajkumar S/o.Late Sathiyakumar
No.1, Arumugam Street, Puzhuthivakkam,
Ullagaram, Madipakkam,
Kanchipuram – 600 091.

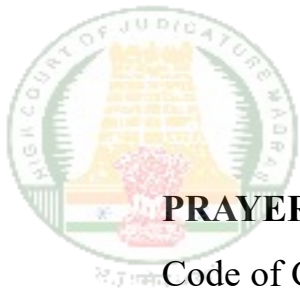
... Petitioner

Vs.

R.Hemavathy @ Hemapriya
D/o.Balaji, W/o.Rajkumar
No.134, Arasamara Street, Kallur Village,
Gudityattam Town and Taluk,
Vellore District.

... Respondent

PRAYER in Tr.C.M.P.:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C.,to withdraw the case in H.M.O.P.No.129 of 2025 pending on the file of the Sub Court, Gudiyattam, Vellore District and to transfer the same to the Family Court at Tiruvallur, Tiruvallur District and thus render justice.



Tr.C.M.P.Nos.1332 & 1134 of 2025

PRAYER in C.M.P. : Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay all further proceedings in H.M.O.P.No.129 of 2025 on the file of the Sub Court, Gudiyattam, Vellore District pending disposal of this petition and thus render justice.

For Petitioner : Ms.C.A.Sharmila.

For respondent : Mr.K.A.Ravindran.

Tr.C.M.P.No.1134 of 2025

R.Hemavathy @ Hemapriya
W/o.Rajkumar
No.134, Arasamara Street, Kallur Village,
Gudiyattam Taluk,
Vellore District.

... Petitioner

Vs.

S.Rajkumar S/o.Late Sathiyakumar
Plot No.1 and 6, Ground Floor, CMS Nagar,
Tiruthani Main Road,
Thiruvallur, Thiruvallur District.

... Respondent

PRAYER in Tr.C.M.P.:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C.,to withdraw the case in H.M.O.P.No.234 of 2025 pending on the file of the Family Court, Thiruvallur, Thiruvallur District and to transfer the same to the Subordinate Judge, Gudiyattam, Vellore District and thus render justice.

PRAYER in C.M.P. : Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to stay all further proceedings in H.M.O.P.No.234 of 2025
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Tr.C.M.P.Nos.1332 & 1134 of 2025

on the file of the Family Court, Thiruvallur, Thiruvallur District pending disposal of this petition and thus render justice.

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For Petitioner : Mr..K.A.Ravindran.

For respondent : Ms.C.A.Sharmila.

C O M M O N O R D E R

Heard.

2. These two Transfer Civil Miscellaneous Petitions arise between the very same parties. The respondent-wife in the divorce proceedings has filed Tr.C.M.P.No.1134 of 2025 seeking transfer of H.M.O.P.No.234 of 2025 (pending on the file of the Family Court, Thiruvallur) to the file of the Sub Court, Gudiyattam. The petitioner-husband has filed Tr.C.M.P.No.1332 of 2025 seeking transfer of H.M.O.P.No.129 of 2025 (pending on the file of the Sub Court, Gudiyattam) to the file of the Family Court, Tiruvallur.

3. The husband would state that he has filed H.M.O.P.No.234 of 2025 before the Family Court, Tiruvallur for dissolution of marriage and that the wife had entered appearance and completed counselling in the said proceedings. He



further alleges pendency of proceedings including Domestic Violence complaints at Tiruvallur, and also raises apprehension of threat if he is required to attend proceedings at Gudiyattam.

4. The wife, on the other hand, would state that she is residing at/around Gudiyattam with two minor children, and that she is required to take the children to school and thereafter travel to attend Court at Thiruvallur, which causes hardship; she seeks transfer of the husband's divorce petition to Gudiyattam.

5. It is well-settled that while considering transfer petitions in matrimonial matters, the paramount consideration is the ends of justice, and ordinarily, the convenience of the wife—particularly when she has the custody/primary care of minor children—is given due weight. In the present case, the wife has specifically pleaded hardship in attending proceedings at Thiruvallur, in view of her residence and the responsibility of taking care of the children.

6. Equally, this Court must avoid multiplicity of proceedings and conflicting findings. When matrimonial proceedings are pending in different Courts



between the same parties, it is desirable that both proceedings are tried by the same Court, so that evidence, if any, can be appreciated consistently and matters can be disposed of expeditiously.

7. The husband's apprehension about attending at Gudiyattam is based on allegations of threat. Such apprehension, at this stage, cannot outweigh the pleaded hardship of the wife who is residing at Gudiyattam and taking care of minor children. If the husband requires appropriate protection/assistance for attending Court, it is always open to him to work out his remedy in the manner known to law.

8. Accordingly, Tr.C.M.P. No.1134 of 2025 is allowed and Tr.C.M.P. No.1332 of 2025 is dismissed. H.M.O.P. No.234 of 2025 on the file of the Mahila Court, Thiruvallur, Thiruvallur District, is withdrawn and transferred to the file of the Subordinate Judge, Gudiyattam, Vellore District. The Family Court, Thiruvallur, shall transmit the entire records to the Subordinate Judge, Gudiyattam, within three (3) weeks from the date of receipt of this order and the Subordinate Judge, Gudiyattam shall dispose of all the matters in accordance with law, as expeditiously as possible, uninfluenced by any observations made



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in this order. Interim stay granted by this Court on 28.10.2025 shall stand

vacated and C.M.P. No.25722 of 2025 is closed and C.M.P. No.30758 of 2025

is also closed. There shall be no order as to costs.

20.01.2026

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Family Court,
Thiruvallur.

2.The Sub Court,
Gudiyattam,
Vellore District.



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DR. A.D. MARIA CLETE, J

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and
C.M.P.Nos.30758 & 25722 of 2025

Dated: 20.01.2026