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Tr.C.M.P.No.1328 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.1328 of 2025

and

CMP No.30502 of 2025

Saara Banu

... Petitioner

Vs

Nazeem Ahmed.A

... Respondent

PRAYER in Tr.C.M.P: This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw O.S.No.174 of 2025 pending on the file of the District Munsif Court, Tambaram, Chennai and transfer the same to the file of the Family Court, Udhagamandalam, The Nilgiris where O.S.No.5 of 2025, O.S.No.11 of 2025 and M.C.No.17 of 2025 are pending.

PRAYER in C.M.P: Petition filed under Section 151 of the Code of Civil Procedure, to stay all further proceedings in O.S. No.174 of 2025 pending on the file of the District Munsif Court, Tambaram, Chennai, pending disposal of the Transfer C.M.P.

For Petitioner :Mr.N.Srinivasan

For Respondent :Mr.G.Mohamed Yaseen



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ORDER

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2. The petitioner is the wife. The respondent/husband has instituted O.S. No.174 of 2025 on the file of the District Munsif Court, Tambaram, seeking declaration of dissolution of marriage.

3. The petitioner submits that she is residing at Udhagamandalam, Nilgiris, and that she has already initiated proceedings before the Family Court, Udhagamandalam, viz., O.S. No.5 of 2025 (restitution of conjugal rights), O.S. No.11 of 2025 (declaration that talaqnama/talaq notices are null and void and consequential reliefs), and M.C. No.17 of 2025 (maintenance). The next hearing date in the said matters is stated to be 28.11.2025.

4. It is also stated that the petitioner received summons in O.S. No.174 of 2025 on 20.09.2025, entered appearance and the suit stands adjourned to 04.12.2025.



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5. The petitioner further pleads hardship in travelling from Nilgiris to Chennai/Tambaram, as she is working as Assistant Professor and a medical practitioner; she has to attend to her minor daughter studying in 5th Standard and her aged mother.

6. The petitioner also points out that the respondent has entered appearance in the proceedings pending at the Family Court, Udhagamandalam. This Court, exercising power under Section 24 CPC, is to consider the ends of justice, avoidance of multiplicity of proceedings, and comparative convenience. In matrimonial and allied disputes, the convenience of the wife, particularly when a minor child is involved and multiple proceedings are already pending in one forum, is a relevant consideration.

7. In the case on hand, it is seen that multiple proceedings between the same parties are pending before the Family Court, Udhagamandalam. The petitioner has shown bona fide reasons of employment and family responsibilities and has also placed the difficulty of repeated travel to Tambaram. On the other hand, no serious prejudice is made out to be caused to the respondent, especially when he is already appearing in the matters at Udhagamandalam.



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8. Therefore, in the interest of justice and for effective adjudication, this Court is inclined to allow the transfer.

9. Accordingly, Tr.C.M.P. No.1328 of 2025 is allowed. O.S. No.174 of 2025 on the file of the District Munsif Court, Tambaram, Chennai, is withdrawn and transferred to the file of the Family Court, Udhagamandalam, The Nilgiris. The District Munsif Court, Tambaram, shall transmit the entire records to the Family Court, Udhagamandalam, within three (3) weeks from the date of receipt of this order and the Family Court, Udhagamandalam, shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Connected C.M.P. No.30502 of 2025 is closed. There shall be no order as to costs.

08.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. District Munsif Court, Tambaram, Chennai
2. Family Court, Udthagamandalam, The Nilgiris



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DR. A.D. MARIA CLETE, J

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and
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