



WEB COPY



Tr.C.M.P.No.1370 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

CORAM :

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

Tr.C.M.P. No.1370 of 2025

and

C.M.P. No.32030 of 2025

Helen Lilliyan

... Petitioner

Vs.

Arnold Emerson @ Barnala

... Respondent

Prayer in Tr.C.M.P. No.1370 of 2025 :

Transfer Petition filed under Section 24 of the Code of Civil Procedure to withdraw I.D.O.P. No.87 of 2025 from the file of the Principal District Court, Cuddalore and transfer the same to the file of the Principal District Court, Tiruvallur and pass such further or other orders.

Prayer in C.M.P. No.32030 of 2025 :

Petition seeking interim stay of all further proceedings in I.D.O.P. No.87 of 2025 pending disposal of the Transfer Civil Miscellaneous Petition.



Tr.C.M.P.No.1370 of 2025

For Petitioner :Ms.R.Ammu

For Respondent : Mr.A.S.Kaizer

ORDER

1. Heard

2. This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of I.D.O.P. No.87 of 2025 from the file of the Principal District Court, Cuddalore to the file of the Principal District Court, Tiruvallur.

3. The case of the petitioner, in brief, is that the marriage between the parties was solemnised on 04.08.2023; thereafter, due to matrimonial discord, the petitioner has been residing with her parents at Tiruttani, Tiruvallur District, and she is stated to be doing internship at the Government Hospital, Tiruvallur. The petitioner would submit that she finds it difficult to travel to Cuddalore for every hearing and that the respondent and his family are alleged to have threatened her, thereby affecting her ability to contest the proceedings at Cuddalore freely and peacefully.



Tr.C.M.P.No.1370 of 2025

4. The petitioner would further submit that earlier, when the respondent filed a petition for restitution of conjugal rights in I.D.O.P. No.80 of 2024 on the file of the Principal District Court, Cuddalore, this Court, by order dated 23.04.2025 in Tr.C.M.P. No.1245 of 2024, transferred the said proceedings to the file of the Principal District Court, Tiruvallur, where it is stated to be pending as I.D.O.P. No.347 of 2025.

5. It is also stated that the petitioner has initiated other proceedings: (i) maintenance proceedings in M.C. No.1 of 2024 on the file of the Judicial Magistrate, Tiruttani, wherein an order dated 23.10.2025 directed payment of monthly maintenance; and (ii) proceedings under the Domestic Violence Act in D.V.C. No.8 of 2024 on the file of the Judicial Magistrate, Tiruttani, which is stated to be pending.

6. Per contra, learned counsel appearing for the respondent opposed the transfer, contending that the petition is not bona fide, that the respondent is residing within the jurisdiction of Cuddalore Court, and that the transfer is sought only to inconvenience the respondent.

7. This Court has considered the rival submissions and perused the materials placed.



Tr.C.M.P.No.1370 of 2025

8. In the case on hand, it is not in dispute that the petitioner is residing at Tiruttani (Tiruvallur District) and is stated to be undergoing internship at Government Hospital, Tiruvallur. She has also pointed out that the earlier matrimonial proceeding filed by the respondent at Cuddalore (old I.D.O.P. No.80 of 2024) has already been transferred by this Court to Tiruvallur and is pending there as I.D.O.P. No.347 of 2025.
9. In such circumstances, allowing the divorce petition I.D.O.P. No.87 of 2025 to proceed at Cuddalore while the connected matrimonial proceedings are pending at Tiruvallur would result in avoidable hardship to the petitioner and may also lead to parallel proceedings at different fora. The overall balance of convenience therefore tilts in favour of transferring the proceedings to Tiruvallur, where the earlier I.D.O.P. is already pending, and where the petitioner is stated to be residing and pursuing internship.
10. This Court makes it clear that it has not expressed any opinion on the merits of the matrimonial dispute, and the transferee Court shall adjudicate the matter on its own merits and in accordance with law.
11. Accordingly, Tr.C.M.P. No.1370 of 2025 is allowed. I.D.O.P. No.87 of 2025 on the file of the Principal District Court, Cuddalore, is withdrawn and transferred to the file of the Principal District Court, Tiruvallur. The



Tr.C.M.P.No.1370 of 2025

Principal District Court, Cuddalore, shall transmit the entire records to the Principal District Court, Tiruvallur, within three (3) weeks from the date of receipt of this order and the Principal District Court, Tiruvallur shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. C.M.P. No.32030 of 2025 is closed. There shall be no order as to costs.

30.01.2026

mfa

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. Principal District Court, Cuddalore
2. Principal District Court, Tiruvallur



WEB COPY



Tr.C.M.P.No.1370 of 2025

DR. A.D. MARIA CLETE, J

mfa

Tr.C.M.P. No.1370 of 2025
and
C.M.P. No.32030 of 2025

30.01.2026