



Tr.C.M.P.(MD)No.78 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.03.2026

PRONOUNCED ON: 10.04.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.78 of 2026
and
C.M.P.(MD)No.1539 of 2026

Susmitha

... Petitioner/Respondent/Wife

Vs.

G.P.S.Hariharan

... Respondent/Petitioner/Husband

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in H.M.O.P.No.404 of 2024, on the file of the Subordinate Court, Ambattur and transfer the same to the file of the Subordinate Court, Paramakudi.

For Petitioner : Mr.J.Leo Daniel Kavın

For Respondent : Mr.S.Karunakar



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ORDER

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The Transfer Civil Miscellaneous Petition is filed to withdraw the case from the file of the Subordinate Court, Ambattur, in H.M.O.P.No. 404 of 2024 and transfer the same to the file of the Subordinate Court, Paramakudi.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 24.04.2023 at Lena Mahal, Rameshwaram Road, Paramakudi, Ramanathapuram District as per the Hindu rites and customs and the marriage came to be registered on 23.06.2023 and that subsequently there arose misunderstanding between them and are living separately. It is not in dispute that the respondent filed a petition in H.M.O.P.No.404 of 2024 seeking divorce and the same is pending on the file of the Subordinate Court, Ambattur, Thiruvallur District.



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4. It is also not in dispute that the petitioner has initiated the proceedings under the Domestic Violence Act and the same is pending ub D.V.C.No.44 of 2025, on the file of the Court of Judicial Magistrate No.I, Ambattur, that the petitioner has also laid maintenance claim in M.C.No. 37 of 2025 and the same is pending on the file of the Court of the Judicial Magistrate No.I, Ambattur and that the petitioner has also filed an application in I.A.No.1 of 2025 in H.M.O.P.No.404 of 2024 seeking interim maintenance and the same is pending on the file of the Subordinate Court, Ambattur.

5. It is also not in dispute that the petitioner laid a complaint against the respondent and his mother and on that basis, F.I.R., came to be registered in Cr.No.21 of 2025 for the offences under Sections 85, 296(b), 351(2) and 115(2) of BNS and that the respondent filed a petition invoking Section 528 of BNSS for quashing the F.I.R., in Cr.No.21 of 2025 and this Court vide order dated 08.07.2025 quashed the F.I.R.

6. The case of the petitioner is that she was driven out of the matrimonial home by the respondent and his family, that the petitioner



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suffered a lot due to harassment and mental agony and hence, she moved back to her parents house, that the respondent suppressing his mistake filed a petition for divorce before the Subordinate Court, Ambattur, that the petitioner, after the receipt of notice from the Subordinate Court, appeared before the Subordinate Court, Ambattur and at that that time, the respondent threatened her with dire consequences to give consent for the case filed by him, that the petitioner has been facing life threats and hence, she is not in a position to travel from Salaigrammam to Chennai, which roughly comes around 980km, that the petitioner's parents are aged and they are also not in a position to accompany her and that since the petitioner is not employed, she is unable to mitigate the expenses for attending the case.

7. The respondent filed a counter affidavit disputing the petitioner's allegations and further stated that the petitioner is a qualified M.E., (Structural Engineering) graduate and was working as Junior Engineer in a construction company, that the petitioner strategically waited until 25.11.2025 to request her relieving letter and the said delay was a calculated move to portray herself as unemployed before the Subordinate



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Court, Ambattur to justify her claim for maintenance in I.A.No.1 of 2025, while her actual intention is to harass the respondent and extract a ransom, that the petitioner himself has filed domestic violence complaint in DVC No.44 of 2025 and the same is pending on the file of the Judicial Magistrate Court, Ambattur and she has also filed a maintenance case in M.C.No.37 of 202, on the file of the same Court, that the petitioner's conduct of filing and actively contesting multiple proceedings before the Courts at Ambattur clearly demonstrates that she has no difficulty in accessing the legal forums at Ambattur, that the petitioner has filed the present transfer petition suppressing the material fact that she is residing at No.2, Aranganathan Street, Lenin Nagar, Ram Nagar, Oragadam, Ambattur, Chennai, that the petitioner's claim that she requires a transfer to Paramakudi is not only contradictory to her own filings in the Courts at Ambattur, but it is also a deliberate attempt to harass the respondent and to demand a ransom, that the petitioner's own filing of the cases in the Courts at Ambattur, but it is also a deliberate attempt to harass the respondent and to demand a ransom, that the petitioner's own documents and complaints filed before the police authorities indicates her residence and active presence within the limits of Ambattur, that the petitioner cannot be



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allowed to oscillate between jurisdictions at her whim and fancy, especially when the respondent is already facing multiple litigations initiated by the petitioner, that if the H.M.O.P., is transferred to Paramakudi, it would result in a multiplicity of proceedings in different jurisdictions leading to conflicting orders and causing grave hardship, financial loss and mental agony to the respondent, that the present Transfer Petition is a malafide attempt to prolong the legal proceedings and delay the disposal of the main H.M.O.P., and that therefore, the petition is liable to be dismissed with exemplary costs.

8. At the outset, it is pertinent to mention, as rightly pointed out by the learned Counsel for the respondent, the petitioner in the affidavit filed in support of the transfer petition has suppressed the filing and pending of the D.V.C., complaint and the matrimonial case before the Court of the Judicial Magistrate No.I, Ambattur. It is also evident from the records that the petitioner has filed an interlocutory application in I.A.No.1 of 2025 in H.M.O.P.No.404 of 2024 claiming interim maintenance and the same is pending on the file of the Subordinate Court, Ambattur. The petitioner, by alleging that she was forced to reside with her parents at Salaigramam,



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Ilayangudi Taluk, Sivagangai District, filed the present transfer petition.

But the fact remains that she has filed the D.V.C., complaint and separate maintenance claim petition and both the cases are pending before the Judicial Magistrate Court, Ambattur. As rightly pointed out by the learned Counsel for the respondent, the petitioner has to necessarily attend the hearings for the D.V.C., as well as the maintenance case before the Judicial Magistrate Court, Ambattur and admittedly, she has not filed any other petition seeking transfer of the said cases from the file of the Judicial Magistrate Court, Ambattur to the Courts at Sivagangai.

9. The learned Counsel for the respondent would submit that the petitioner has purposely applied and obtained a letter from her employer as if she was relieved from services on 19.06.2024 and produced the copy of the said letter dated 25.11.2025. As rightly pointed out by the learned Counsel for the respondent, it is evident from the letter dated 25.11.2025, that the Authorised Signatory for Cornerstone Constructions Limited Company has issued the said letter in pursuance of the requisition letter given by the petitioner dated 25.11.2025 and moreover, in the said letter it has been stated that they have relieved her from service on 19.06.2024



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forenoon, due to her unfortunate personal issues and that, the said letter was issued to her as per the request letter dated 25.11.2025. The learned Counsel for the petitioner has not offered any reason or explanation for getting such a letter after the lapse of more than 1 ½ years since she was relieved from the said Company.

10. No doubt, the Hon'ble Supreme Court in *N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha* reported in *2022 Live Law (SC) 627*, the Hon'ble Supreme Court has reiterated the legal position that it is the wife's convenience which must be looked at while considering the transfer petition under Section 24 of the Code of Civil Procedure. But in the case on hand, as already pointed out, apart from the divorce petition filed by the respondent, two other cases filed by the petitioner are pending at Ambattur Courts. Considering the facts and circumstances and also taking note of the averments made on either side, it is clear that the petitioner has suppressed the material facts and approached this Court with unclean hands. Hence, this Court concludes that the petitioner has not made out any valid ground or reason to transfer and as such, the transfer petition which is devoid of merits, is liable to be dismissed.



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12. In the result, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, the connected Civil Miscellaneous Petition is also dismissed. There shall be no order as to costs.

10.04.2026

NCC :yes/No
Index :yes/No
Internet:yes/No

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To

1. Subordinate Court, Ambattur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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