

Tr.C.M.P(MD).No.201 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 12.06.2026

Delivered on : 17.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.201 of 2026
and
C.M.P(MD)No.4536 of 2026

Nandhini

: Petitioner

Vs

Pradeesh

: Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.264 of 2025 from the file of the Subordinate Court, Uthamapalayam and transfer the same to the Subordinate Court, Coimbatore.

For Petitioner : Mr.K.Karthikeyan

For Respondent : Mr.S.Sundarapandian.

ORDER

The Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in H.M.O.P.No.264 of 2025 from the file of the Subordinate Court, Uthamapalayam and transfer the same to the Subordinate Court, Coimbatore.

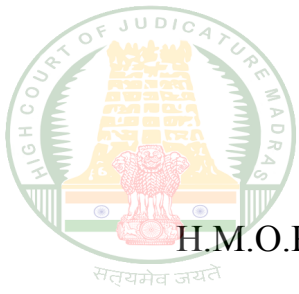


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WEB COPY 2. It is not in dispute that the marriage between the parties was solemnized on 25.02.2018 as per Hindu rites and customs and that subsequently, there arose some misunderstanding between them and they are living separately.

3. It is also not in dispute that the petitioner filed a petition in H.M.O.P.No.1476 of 2018, seeking restitution of conjugal rights and the same was pending on the file of the Family Court, Coimbatore and that the respondent filed a petition in H.M.O.P.No.151 of 2018, to declare that the marriage solemnized between the parties is null and void and the same was pending on the file of the Subordinate Court, Uthamapalayam.

4. It is pertinent to mention that both the parties filed transfer petitions in Tr.C.M.P(MD)No.739 of 2018 by the petitioner and Tr.C.M.P(MD)No.809 of 2018 by the respondent, for transferring the cases filed by the other side before this Court and this Court vide common order, dated 09.01.2019, transferred both HMOPs to the file of the Sub Court, Palani and the learned Subordinate Judge, Palani, was directed to dispose of both the cases as expeditiously as possible. After transfer, both the cases were taken on file in



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H.M.O.P.No.57 of 2019 and H.M.O.P.No.58 of 2019 on the file of the Subordinate Court, Palani.

5. It is also not in dispute that the petitioner initiated the proceedings under the Domestic Violence Act and the same was pending in D.V.C.No.147 of 2019 on the file Judicial Magistrate Court, Coimbatore and that subsequently, on the basis of the complaint given by the petitioner, another criminal case came to be registered in C.C.No.2151 of 2019 alleging cruelty and dowry harassment.

6. It is admitted by both the parties that the respondent and his family members filed a petition in CrI.O.P.(MD)No.31264 of 2019 for quashing the case in C.C.No.2151 of 2019, pending on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore and the learned Judge of this Court, vide order, dated 10.11.2022, quashed the private complaint in C.C.No.2151 of 2019. It is also not in dispute that the case in D.V.C.No.147 of 2019 was also transferred to the file of the Court of Judicial Magistrate, Palani and the same is pending in S.T.C.No.1 of 2022.



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WEB COPY 7. The learned counsel for the respondent would submit that the respondent filed CrI.O.P.(MD) No.20725 of 2024 seeking to quash the proceedings in S.T.C.No.1 of 2022 pending on the file of the Judicial Magistrate Court, Palani and in that proceedings, the matter was referred to Mediation and that the Mediation came to be filed, wherein the petitioner has agreed to give acceptance for mutual divorce and both of them have stated that there will be no claims or actions by both the parties and that both of them have agreed to withdraw the case filed by them. He would further submit that after entering into the stage of settlement, the petitioner has no *locustandi* to file the present transfer civil miscellaneous petition and that therefore, the same is liable to be dismissed as not maintainable.

8. Even assuming for arguments sake that the parties entered into settlement at the mediation, that by itself cannot be taken as bar or prohibition for the petitioner to approach this Court for transfer of the case. It is not the case of the respondent that the mediation settlement was accepted by the competent Court and on that basis further orders came to be passed. It is not in dispute that the divorce petition in H.M.O.P.No.264 of 2025 is pending on the file of the Sub Court, Uthamapalayam as of now.



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WEB COPY 9. It is admitted by both the parties that the petitioner has subsequently withdrawn the petition in H.M.O.P.No.57 of 2019 for restitution of conjugal rights and on that basis, the petition was ordered to dismissed as withdrawn and that the respondent has also withdrawn the other proceedings in H.M.O.P.No.58 of 2019, seeking declaration of the marriage is null and void and the said petition was also dismissed as withdrawn.

10. The learned counsel for the petitioner would submit that the respondent is a practising Advocate, having full knowledge of legal procedures and Court process, he has been deliberately initiated multiple proceedings in different forums with the intention of harassing the petitioner, prolonging the litigation, and causing mental, physical, and financial hardship. He would further submit subsequently the respondent filed a petition in H.M.O.P.No.264 of 2025, seeking divorce and the same is now pending on the file of the Subordinate Court, Uthamapalayam.

11. The learned counsel for the petitioner would further submit that the petitioner is residing at Coimbatore and hence, she finds it difficult to travel to Uthamapalayam to attend the hearings.



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WEB COPY 12. The respondent filed a counter statement raising objections. The learned counsel for the respondent would submit that the petitioner alone has initiated several proceedings, that the petitioner has filed a petition in H.M.O.P.No.942 of 2022, seeking divorce before the Additional Family Court, Coimbatore and thereafter, she had withdrawn the petition in H.M.O.P.No.57 of 2019 filed for restitution of conjugal rights and that the above clearly shows her intention that she is looking for separation instead of reunion with the respondent and to proceed with the divorce case at Coimbatore; that the petitioner for the reasons best known to her has specifically withdrawn the divorce case in H.M.O.P.No.942 of 2022 and that the petitioner alone has deserted the respondent for the past eight years and has been harassing him continuously.

13. The learned counsel for the respondent would further submit that the the petitioner is a Ph.D holder and she is administrating her companies NSN Engineering and Jeganathan Elector Platers at Coimbatore and that the petitioner is having plenty of money and political back ground and she is giving continuous life threat to the respondent while appearing the cases.



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14. Though the respondent has alleged that he is being subjected to continuous threats by the petitioner, admittedly, he has neither lodged any complaint before the Police nor initiated any proceedings in the manner known to law. In the absence of any material to substantiate the said allegation, the same cannot be given much weight.

15. Considering the respective stands taken by the parties, it is evident that both of them are making allegations and counter allegations against each other and have been litigating against one another in various forums.

16. It is pertinent to note that, in the present transfer proceedings, this Court is not concerned with the merits of the matrimonial dispute. At this juncture, it would be appropriate to refer to the decision of the Hon'ble Supreme Court in *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha*, reported in **2022 LiveLaw (SC) 627**, wherein it has been reiterated that, while considering a transfer petition arising out of matrimonial proceedings, the convenience of the wife is ordinarily required to be given due consideration. The Hon'ble Supreme Court has observed as follows:



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“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.”, the bench observed.”

17. It is also relevant to note that the earlier matrimonial proceedings between the parties, namely H.M.O.P.Nos.57 and 58 of 2019, were prosecuted before the Subordinate Court, Palani pursuant to the earlier transfer order passed by this Court. Therefore, transfer of the present proceedings to the very same Court would also serve the ends of justice.

18. Considering the entire facts and circumstances of the case, particularly the fact that the proceedings in S.T.C. No.1 of 2022 between the



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same parties are already pending on the file of the Judicial Magistrate Court, Palani, and taking note of the inconvenience pleaded by the petitioner, this Court is inclined to transfer the matrimonial proceedings to Palani so as to avoid multiplicity of proceedings and to facilitate effective adjudication. Accordingly, H.M.O.P. No.264 of 2025 is withdrawn from the file of the Subordinate Court, Uthamapalayam and transferred to the file of the Principal Subordinate Court, Palani. The learned Subordinate Judge, Uthamapalayam, is directed to transmit the entire records pertaining to H.M.O.P. No.264 of 2025 to the Principal Subordinate Court, Palani, within a period of ten days from the date of receipt of a copy of this order. On receipt of the records, the learned Principal Subordinate Judge, Palani, shall take the case on file and proceed with the same in accordance with law.

19. With the above directions, the Transfer Civil Miscellaneous Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

17.06.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

das

To

- 1.The Subordinate Judge Uthamapalayam.
- 2.The Subordinate Judge, Coimbatore.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-delivery order made in
Tr.C.M.P (MD).No.201 of 2026
and
C.M.P(MD)No.4536 of 2026

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