

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Monday, the 20th day of July, 2026

Transfer Original Petition No.385 of 2025

CNR.No.TNCG01-007010-2025

P.Gayathri . . . Petitioner

/Vs/

G.Vivek ... Respondent

**(In the matter of HMOP No.8/2022 on the file of Sub Judge,
Alandur)**

P.Gayathri . . . Petitioner.

/Vs/

G.Vivek . . . Respondent.

This petition came up before me on 20.04.2026 for final hearing in the presence of Tvl.K.S.Natarajan, N.A.Sheik Alaudeen and N.Abayatharani Advocates for the petitioner and the respondent appeared as party-in-person, upon hearing the arguments of both sides and perusing the written arguments and the entire records and having stood over the matter for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioner under Section 24 of CPC, to transfer the petition in HMOP No.08/2022 pending on the file of

Subordinate Judge, Alandur, to the file of any other Subordinate Court of Chengalpattu.

2. The averments set out in the petition filed by the petitioner in brief read as follows :

The petitioner has filed H.M.O.P. No.620/2016 for divorce against the respondent before the Sub Court, Tambaram. After the establishment of the Sub Court at Alandur, the case was transferred to the Sub Court, Alandur and was renumbered as H.M.O.P. No.8/2022. The case was pending before the Sub Court, Alandur at the stage of arguments. The respondent had filed 39 documents on his side. The court allowed to mark all the documents as Ex.R1 to Ex.R39. Some of those documents were not relevant to the case. Therefore, the petitioner's counsel raised objections to those documents. However, the learned Judge did not record the objections. Instead, the learned Judge stated that the objections would be considered during the cross-examination of RW1. The petitioner and her counsel were surprised by the conduct of the learned Judge.

2 (ii) The petitioner further states that on 07.12.2024, her counsel has filed a memo raising objections regarding the marking of the respondent's documents. The learned Judge again stated that the objections could be considered during the cross-examination of RW1. Thereafter, on 13.02.2025, 19.03.2025 and 01.08.2025, the cross-examination of RW1 commenced. During the cross-examination, the learned Judge stopped the

proceedings on several occasions and stated that many other cases were waiting. The matter was adjourned without giving sufficient time to the petitioner's counsel to complete the cross-examination of RW1 with respect to the exhibits marked on the respondent's side. Thereafter also, the matter was adjourned on various occasions. On 17.10.2025, when the petitioner's counsel continued the cross-examination of RW1, the learned Judge stopped the recording of evidence in the middle of the cross-examination. The learned Judge stated that the case was summary in nature and did not permit any further cross-examination. The evidence of RW1 was closed on the Court's own motion and the case was posted for arguments on 07.11.2025. The petitioner and her counsel were shocked by the said action.

2 (iii) On 07.11.2025, the petitioner's counsel presented petitions to reopen the case and to recall RW1 for further cross-examination. The learned Judge returned the petitions without numbering them and refused to pass any orders. When the petitioner's counsel explained the necessity of further cross-examination, the learned Judge stated that there was no time to consider those petitions. The petitioner's counsel submitted that the petitioner would be seriously prejudiced if further cross-examination was not permitted. However, the learned Judge refused to receive the petitions and repeatedly directed the petitioner's counsel to advance the arguments. The petitioner stated that the conduct of the learned Judge created an impression that he was biased in favour of the respondent. The learned

Judge did not provide sufficient opportunity to the petitioner to complete the cross-examination of RW1. The learned Judge further warned that if the petitioner's counsel failed to advance arguments on the next hearing date, the arguments on the petitioner's side would be closed. Therefore, the petitioner apprehends that she will not receive a fair trial before the said Court. Hence, she prayed that H.M.O.P. No.8/2022 might be transferred to the file of any other competent Subordinate Court within the jurisdiction for a fair trial. Hence, this petition.

3. The averments set out in the counter filed by the respondent (in person) briefly read as follows :

Backgrounds Facts :

The petitioner has filed TROP No.385/2025 seeking to transfer the H.M.O.P. No.8/2022 pending before the Sub Court, Alandur. The said H.M.O.P petition has been filed by the petitioner herself seeking a decree of divorce. The said H.M.O.P had reached the stage of final arguments. The said petition has been filed in the year 2016 and has been pending for nearly ten years. The marriage between the petitioner and the respondent was held on 15.12.2013. They have lived together only for about 4½ months and they have no children.

Criminal Litigations by the petitioners and Acquittal

Before filing the divorce petition, the petitioner has lodged a police complaint against the respondent and his parents under Sections

498-A and 406 of the IPC and sections 3 & 4 DP Act. The case was taken on file as C.C.No.515/2016 and was later renumbered as C.C.No.339/2020 on the file of the Additional Mahila Court, Alandur. The respondent and his family were acquitted in the said case. The judgment contained the following observation:

"அ.சா.1 க்கும் 1 ஆம் எதிரிக்கும் ஏதோ ஒரு மனக்கசப்பு ஏற்பட்டு அதன் காரணமாக இவ்வாறு ஒரு பொய் வழக்கை அ.சா.1 ஆனவர் எதிரியின் மீது சுமத்தியுள்ளாரோ என்று யோசிக்கத் தோன்றுகிறது."

This crucial piece of information is not revealed by the petitioner in her petition before this court. Thus the petitioner has approached this Court with unclean hands.

Delay Tactics by the petitioner

The said H.M.O.P was posted for final arguments on 07.11.2025. The petitioner's side had sought adjournments on three occasions, namely 07.11.2025, 06.12.2025 and 18.12.2025. After the Court has granted a last opportunity to advance final arguments, the petitioner had filed T.R.O.P. No.385/2025 only to delay the proceedings and to harass the respondent. Hence, the petition.

4. The crux of the written arguments filed by the counsel for petitioner read as follows:

The petitioner initially has filed divorce petition in HMOP No.620/2016 against the respondent before the Sub Court, Tambaram,

which was subsequently transferred to newly constituted Sub Court at Alandur and assigned new HMOP.No.8/2022 and thereafter the trial was conducted before the Sub Court at Alandur. At the time of respondent side evidence, the respondent has chosen to file 39 documents to mark the same as exhibits. Some of the documents are irrelevant to decide the issue and objection was raised by the petitioner's counsel, but the court without considering the objection, simply allowed the respondent to mark all the documents as Ex.P1 to Ex.P39. At that time, the learned Judge informed the petitioner's counsel that he can cross examine in respect of the documents to put forth his case. Even the objections raised by the petitioner's counsel was not noted down. Hence, on 07.12.2024 the petitioner's counsel filed memo of objection. Again the learned Judge observed to consider the objection at the time of cross examination of RW1.

4 (ii) The RW1 cross examination was done on 13.02.2025, 19.03.2025 and 01.08.2025. During the cross examination of RW1, the learned Judge often interrupted the petitioner's counsel and hurried up to finish the cross examination and adjourned the case due to lack of time to the court. On 17.10.2025 when cross examination of RW1 was continued, the learned Judge abruptly stopped the recording of evidence saying "this is not a suit for trial and it is summary in nature" and not allowed the petitioner's counsel for further cross. Unexpectedly closed the evidence of

RW1 on suo-motto which is totally unfair and unlawful curtailing the petitioner to put forth her case on merits. Then the case was straight away posted for arguments on 07.11.2025. This reason is legally unsustainable because, proceedings under the Hindu Marriage Act, 1955 may be summary in form, but they are nonetheless adjudicatory in nature, involving serious civil consequences. Even in such proceedings, the parties are entitled to a fair and complete opportunity to present their case. Hence, expedition cannot be achieved at the cost of fairness.

4 (iii) The petitioner's counsel filed two petitions for reopen and recall of RW1 evidence for cross examination on 07.11.2025. The court refused to receive the said petitions in the open court and hence the same were filed in the filing section in SR.No.6742. But the court neither numbered, nor returned the petitions till date and insisted the petitioner's counsel to argue the case. The procedural rules are intended to complete cross-examination, the court ought to lean in favour of granting such opportunity, particularly when no serious prejudice would be caused to the other side. The petitioner understood that the learned Judge acts in a biased manner restricting the petitioner to prove her case. The petitioner was not given the chance and opportunity to prove her case which might lead to passing of adverse orders that will put the petitioner to serious loss and hardship. It is not the case of the petitioner that actual bias must be established. The law is well settled that even a reasonable apprehension of

bias is sufficient. The manner in which the respondent was permitted to mark numerous documents without scrutiny, the petitioner's objections were overlooked and the cross examination was curtailed has led the petitioner to reasonably believe that she is being denied a fair opportunity. Unless the case is transferred to some other court, the petitioner will not get unbiased and fair justice. The respondent is given much liberty and favouritism whereas the petitioner is deprived and denied of opportunity to be heard and prove her case which is against the principles of natural justice. This court, under Section 24 CPC, has ample power to transfer proceedings where the ends of justice so require. The present case is a fit instance where Section 24 of CPc would be applicable. If the matter is allowed to proceed before the same court, the petitioner will be forced to argue the case without having been given a full opportunity to establish her defence and any decision rendered would be clouded by the procedural irregularities already committed.

Therefore the petitioner prays to withdraw the HMOP.No.8/2022 on the file of Subordinate Judge, Alandur and transfer the same to the file of any other court.

5. The point that arises for consideration is:

Whether the suit in H.M.O.P.No.08/2022 on the file of Subordinate Judge at Alandur, has to be transferred to the file of any other Subordinate Court of Chengalpattu District, as prayed for?

6. On point :

Heard both sides. The main contention of the petitioner is that the learned Sub Judge, Alandur, is biased, thereby restricting the petitioner from proving her case. She further adds that she was not given opportunity either to object to the documents while they were marked as exhibits, or to cross examine RW1 regarding those marked documents; therefore she apprehends that she will suffer serious hardship, on the other hand, the respondent will not be prejudiced. To prove her contentions, the petitioner has marked the copy of petition in HMOP.8/2022 as Ex.P4, the reopen and recall petitions filed in the said HMOP and the case status as Exs.P1 to P3.

7. The respondent who appeared in person has vehemently raised objection to transfer the divorce petition in HMOP No.8/2022 (HMOP No.620/2016 on the file of Sub Court, Tambaram) on the file of Sub Court, Alandur, to any other court having jurisdiction. He also has alleged that in the criminal case filed by the petitioner against the respondent and his parents in CC No.339/2020, the respondent and his parents were acquitted under Section 248(1) Cr.P.C; this fact is not revealed either before the Sub Court, Tambaram or before this court, by the petitioner.

8. On perusal, the counter was filed by the respondent on 06.07.2017 and the petition stood posted for enquiry on 24.08.2017 and the

petitioner filed proof affidavit on 01.11.2018 and marked the documents Ex.P1 to Ex.P9 on the same day and stood posted for cross examination of PW1 on 22.11.2018. Since the respondent was not present on that day, he was set exparte and on the next hearing on 13.12.2018 exparte order was passed granting a decree for divorce. The said order was set aside on petition filed by the respondent on 03.01.2022, thereafter the said case was transferred to the file of Sub Judge, Alandur and renumbered as HMOP.No.8/2022. Before the Sub Court, Alandur, the PW1 was cross examined by the respondent and completed it on 02.02.2023 and posted for further PWs. Since there were no further PWs, the case stood posted for respondent's side evidence on 19.06.2023. The respondent side documents were marked on 18.07.2024 and the RW1 was cross examined on 13.02.2025, 19.03.2025, 01.08.2025, 17.10.2025 by the petitioner's side. On 07.10.2025 the learned Sub Judge, Alandur, has suo-moto closed the cross-examination of RW1 which is evidenced by Ex.R2 in which the reason was recorded and the same is hereby extracted as follows,

"இந்த வழக்கானது 2016 ல் தாக்கல் செய்யப்பட்டது.

இந்த வழக்கில் எதிர்மனுதாரர் விசாரணையில் இருந்தபொழுது இந்த நீதிமன்றமானது போதிய அவகாசமானது 13.02.2025, 19.03.2025, 01.08.2025 மற்றும் இன்றைய தேதியிலும் போதிய வாய்ப்புகள் வழங்கிய நிலையிலும் வழக்கிற்கு புறம்பாக முற்றிலும் தேவையில்லாத கேள்விகள் கேட்கப்பட்ட நிலையில்

வழக்கறிஞருக்கு அறிவுறுத்தி ஏற்கனவே 10 பக்கங்களுக்கு
மேலாக குறுக்கு விசாரணையில் வாய்ப்பு
வழங்கப்பட்டபொழுதும் முறையாக பயன்படுத்தா நிலையில்
குறுக்கு விசாரணை நிறுத்திவைக்கப்படுகிறது."

No lacunae are found in any of the above proceedings, nothing to show that the learned Sub Judge, Alandur was biased towards the respondent. Though the petitioner herein was given sufficient opportunity to cross-examine the RW1 regarding the irrelevant documents, the Ex.R2 reveals that no questions related to relevancy of documents were put forth by the counsel for petitioner while cross-examining the RW1. This amply proves that the petitioner's counsel is wasting the court's time without utilizing the opportunity given to him by the court. Therefore, it is now left with the hands of court to decide whether the documents marked by the respondent are relevant or irrelevant while deciding the issues. If there are documents irrelevant to the case on hand, the court will not take into countenance of the said documents. Therefore, the bonafide act of learned Sub Judge, Alandur, need not be interfered with.

9. Therefore, the reason put forth by the petitioner that she will be deprived and denied to prove her case is not a bona fide reason, as there is ample time for her to advance arguments regarding the marked documents. If the petition is allowed for transfer and the petitioner is given an opportunity to cross-examine the RW1 once again, it will waste the

court's time. Putting irrelevant question in cross examination, thereby harassing the witness per se is liable to be deprecated and the same restricted by the court will not give rise to appreciation of bias in real sense. The petition is found to be a motivated one to procrastinate the divorce proceedings endlessly. The HMOP is of the year 2016 and it was lingering before the Sub Court, Alandur, so far and finally it reached the stage of arguments. Rendering an adjudication expeditiously in this matter will relieve both the parties from their running from pillar to post all these years. Therefore, the petition is not a bona fide one and there are no merits in the petition.

In the result, the petition is dismissed. However, there is no order as to cost.

Typed to my dictation, corrected and pronounced by me in open court, on this the 20th day of July, 2026.

Principal District Judge,
Chengalpattu.

Both side witnesses :

Nil.

Petitioners' side exhibits :

Ex.P1 --- Certified xerox copy of reopen petition.

Ex.P2 --- Copy of recall petition.

Ex.P3 --- Case status of HMOP.8/2022 on the file of
Subordinate court, Alandur.

Ex.P4 --- Copy of petition in HMOP No.8/2022.

Respondents' side exhibits :

Ex.R1 29.11.2024 Certified copy of the judgment in
C.C.No.339/2020, on the file of Additional
Mahila Court, Alandur

Ex.R2 --- Certified copy of the cross examination of RW1
by the petitioner in HMOP No.8/2022.

Principal District Judge,
Chengalpattu.