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Tr.C.M.P No.825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :31.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

Tr.C.M.P.No.825 of 2024 and CMP No.18279 of 2024

R.Divya

... Petitioner

vs

K.Balamurugan

... Respondent

Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.53 of 2024 filed by the respondent herein on the file of Subordinate Court, Tiruvarur and transfer the same to Family Court, Chennai.

For Petitioner : Mr.Aroma Manoj

For Respondent : Ms.E.Thiyaga

ORDER

The petitioner/wife seeks transfer of HMOP No.53 of 2024 from the file of Subordinate Court, Tiruvarur to the Family Court, Chennai.

2. The petitioner/wife has been arrayed as respondent in HMOP No.53 of 2024, which has been filed by the respondent/husband. The petitioner/wife



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expresses inconvenience to attend the proceedings before the Subordinate

WEB COPY Court, Tiruvarur in view of her residence at Selaiyur, outskirts of City of Chennai.

3. Learned counsel for the respondent/husband states that HMOP No.53 of 2024 has been filed before the jurisdictional Court and the reasons assigned by the petitioner/wife seeking transfer are not true and it is only with an intention to drag on the proceedings that the transfer petition has been filed.

4. I have carefully considered the submissions made by the learned counsel on either side.

5. Admittedly, the petitioner/wife expresses acceptable and genuine inconvenience to attend the proceedings at Subordinate Court, Tiruvarur, which requires the petitioner/wife to travel long distance even one way. As repeatedly held by the Hon'ble Supreme Court as well as this Court, paramount consideration in matters of transfer of matrimonial proceedings will have to be the convenience of the wife.

6. In the light of the above, finding that the petitioner/wife has made out a case for transfer and has expressed acceptable hardship and inconvenience, I am inclined to allow the transfer petition as prayed for.

7. Accordingly, Tr.C.M.P.No.825 of 2024 is allowed and the proceedings in HMOP No.53 of 2024 pending on the file of Subordinate Court, Tiruvaur is



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withdrawn and the same is transferred to Principal Family Court, Chennai. The

Principal Family Court, Chennai at its discretion shall take up HMOP No.53 of 2024 or assign it to any additional Court, subject to the pendency of cases before Family Court, Chennai/work load, etc.

8. The respondent, being the resident of Tiruvarur, shall not be required to be physically present on all hearing dates and the transferee Court shall dispense with the physical presence of the respondent/husband unless when it is absolutely necessary and other regular hearing dates, the respondent shall be entitled to engage a counsel.

9. The Subordinate Court, Tiruvarur is directed to send the entire records relating to HMOP No.53 of 2024 to the Principal Family Court, Chennai forthwith.

No costs. Consequently, connected miscellaneous petition is closed.

31.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

1. The Subordinate Court, Tiruvarur.
2. The Family Court, Chennai

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P.B.BALAJI.,J.

Sr

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