



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2026

CORAM

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

**TR CMP No.293 of 2026
& CMP.No.8340 of 2026**

D.Sharmila Devi

..Petitioner(s)

Vs

S.Santhosh Kumar

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw HMOP.No.02 of 2026 on the file of the Family Court, Nagapattinam, Nagapattinam District and transfer the same to the file of the Sub Court, Ambattur, Tiruvallur District.

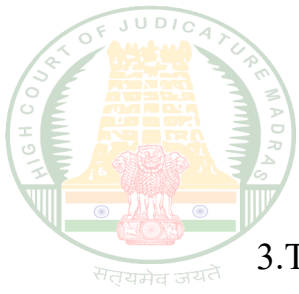
For Petitioner(s): Mr.R.Venkatesan

For Respondent(s): Mr.A.Sakthivel

ORDER

The petitioner is the wife seeking transfer of the proceedings in HMOP.No.02 of 2026 pending on the file of the Family Court, Nagapattinam, to the file of the Sub Court, Ambattur.

2.Heard the learned counsel for the parties.

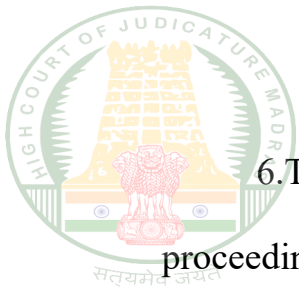


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3.The learned counsel for the petitioner states that already, there is a divorce proceedings pending before the Judicial Magistrate Court, Ambattur and the respondent-husband has been attending the said proceedings and he would not be in any manner prejudiced, if the matter is transferred to the Sub Court, Ambattur, where his physical presence is also not mandatory for all hearing dates.

4.The learned counsel for the respondent, on principle, would state that though the respondent has no objection for transferring the proceedings, in accordance with the convenience of the petitioner-wife, he only requests for transfer to the file of the Family Court at Chennai, since whenever he had appeared before the Judicial Magistrate Court, Ambattur, the wife has created problems to the respondent by lodging frivolous and vexatious police complaints. A copy of the DV proceedings and also the FIR dated 22.02.2026 are also produced by way of typed set of papers dated 17.07.2026. I have gone through the same as well.

5.In the light of the fact that the respondent is, in any event, attending the DV proceedings before the Judicial Magistrate Court at Ambattur, no serious prejudice would be caused by transferring the HMOP proceedings.



6.The Transfer Civil Miscellaneous Petition is allowed and the proceedings in HMOP.No.02. Of 2026 is hereby withdrawn from the file of the Family Court, Nagapattinam and transferred to the file of the Sub Court, Ambattur, where the presence of the respondent is not mandatory. It is also made clear that the respondent is at liberty to engage a counsel of his choice to represent him before the Sub Court, Ambattur and his physical presence shall be dispensed with, unless where his presence would be mandatory for recording his evidence in chief and cross.

7.It is brought to my notice by the learned counsel for the respondent that the petitioner is even yet to file a counter in the HMOP proceedings. On transfer, the respondent shall file a counter, within a period of three weeks and thereafter, the Sub Court, Ambattur, shall expedite trial in the HMOP proceedings and dispose of the same on or before 30.06.2027. No costs. Connected Civil Miscellaneous Petition is closed.

17.07.2026

ATA



To

- 1.The Family Court, Nagapattinam.
- 2.The Sub Court, Ambattur.



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P.B.BALAJI, J.

ATA

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