



TR.CMP.No.114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

**THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN**

TR.CMP.No.114 of 2023  
and CMP.No.2322 of 2023

Hema

... Petitioner

Vs

Naresh

... Respondent

**Prayer :** Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to transfer H.M.O.P.No.5378 of 2022 on the file of V Additional Family Court at Chennai to Family Court at Tiruchirappalli.

For Petitioner : Mr.K.Prabhakar

For Respondent : Mr.S.Prasanna  
Ms.B.Sharmila

**ORDER**

The petitioner-wife has presented this petition to withdraw the petition filed by the respondent-husband in H.M.O.P.No.5378 of 2022 before the V



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Additional Family Court, Chennai and to transfer it to Family Court at Tiruchirappalli.

2. The petitioner and the respondent was married on 25.10.2021. Within a short period of time, they fell apart. The petitioner left the matrimonial home on 30.09.2022 and went to reside with her parents at Keeramangalam, Thalakudi, Tiruchirappalli. The respondent had initiated H.M.O.P.No.5378 of 2022 before the V Additional Family Court, Chennai seeking divorce.

3. A perusal of the petition in H.M.O.P.No.5378 of 2022 makes it clear that the address at which the summons were served on the wife, is in Tiruchirappalli. The distance between Tiruchirappalli and Chennai is considerable and it would take not less than a day for to and fro travel.

4. The wife pleads that she is a house wife with no independent income and that she is living at the expense of her parents. She further pleads that the cost involved in attending the Court hearing at Chennai is unaffordable



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and moreover her health is not in good condition to travel all alone to Chennai. Hence, she has moved this transfer petition.

3. Notice was issued in the transfer petition and the respondent has entered appearance through Mr.S.Prasanna.

4. Mr.Prasanna would state that the respondent-husband has no objection to transfer the HMOP proceedings, provided the case would be posted at any place other than Tiruchirappalli, as the father of the petitioner-wife is a powerful politician in that local area.

5. The fact that the father-in-law of the respondent is a powerful politician in Tiruchirappalli, cannot be a ground that his daughter should be put in trouble of travelling from Tiruchirappalli to Chennai. Taking into consideration the overall circumstances of the case and difficulty pleaded by the petitioner both in terms of financial stress and physical inability, I am inclined to accept the transfer.

6. Accordingly, this transfer petition is allowed and H.M.O.P.No.5378



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of 2022 now pending on the file of V Additional Family Court, Chennai is withdrawn from its file and transferred to Family Court at Tiruchirappalli.

No costs. Consequently, connected miscellaneous petition is closed.

7. The Family Court, Tiruchirappalli is advised not to direct the respondent-husband to appear for every hearing, and for non-essential and procedural hearing, he may be represented through a counsel. He may be called upon to appear in person, only when his appearance is indispensable and essential.

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Index:Yes/No  
Neutral Citation : Yes / No  
ds



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To :

WEB COPY

- 1.The V Additional Family Court  
Chennai.
- 2.The Family Court  
Tiruchirappalli.
- 3.The Section Officer  
VR Section, High Court, Madras.



WEB COPY



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V.LAKSHMINARAYANAN,J.

ds

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