



Tr.CMP.No.60 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.60 of 2024

and

C.M.P.Nos.1418 and 7173 of 2024

Lalitha

.. Petitioner

Vs.

Thirumurugan Thiagarajan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.3982 of 2023 pending on the file of the IV Additional Family Court at Chennai and transfer the same to the Family Court at Coimbatore.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.Praveen Alexander

ORDER



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This Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of proceeding in O.P.No.3982 of 2023 from the file of the IV Additional Family Court at Chennai to the file of the Family Court at Coimbatore.

2. There is no dispute in the relationship between the parties. The petitioner is the wife and the respondent is the husband. They got married on 28.08.2020 at Coimbatore. Subsequently, on 16.11.2020, the marriage was registered at Chennai. The parties also set up their matrimonial home at Chennai. Since the marriage has hit the rocks, the parties are before the IV Additional Family Court at Chennai.

3. The wife pleads that she is unable to travel from Coimbatore to Chennai to attend the Court hearings. Hence, this transfer petition.

4. Mr.Praveen Alexander has moved an application in C.M.P.No.7173 of 2024 to vacate the stay granted by this Court on 14.02.2024. He would also submit that both the husband and wife are the residents of Chennai and therefore, it will be convenient that the proceeding continues in Chennai. He



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would further submit that the husband has purchased a property in the name of his wife at Chennai and therefore, in case, if he wants to release the property in her favour, the wife would have to come to Chennai. On these grounds, he would urge that the Transfer Civil Miscellaneous Petition be dismissed.

5. Mr.K.Balasubramaniam would submit that the petitioner is now residing at Coimbatore in her mother's house. He would state that it will take her an overnight journey to travel from Coimbatore to Chennai, which are about 550 Kms apart. He would urge that under Section 24 of the Code of Civil Procedure, primarily, the Court has to look into the convenience of the wife and thereafter, finalize the petition under Section 24 of the Code of Civil Procedure.

6. Heard both sides and I have carefully gone through the records available.

7. Though Mr.Praveen Alexander would submit that the wife is a



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permanent resident of Chennai, a careful perusal of O.P.No.3982 of 2023 would show that the wife is a permanent resident of Pappannaicken Palayam which is at Coimbatore. The husband having specifically pleaded that the wife is a permanent resident of Coimbatore, cannot plead that she is a resident of Chennai for the sake of this transfer Petition today.

8. As rightly pointed out by Mr.K.Balasubramaniam, in matters relating to transfer of matrimonial proceedings, priority has to be given to the interest of the wife. The wife being a permanent resident of Coimbatore, I am inclined to allow this transfer petition. Hence, the proceeding in O.P.No.3982 of 2023 which is pending on the file of the IV Additional Family Court at Chennai is withdrawn and it shall stand transferred to the file of the Family Court at Coimbatore.

9. It is made clear that the husband need not appear for every hearing. But he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

10. Accordingly, the Transfer Civil Miscellaneous Petition stands



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allowed. No costs. Consequently, connected Civil Miscellaneous Petitions
are closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

- 1.The IV Additional Family Court,
Chennai
- 2.The Family Court,
Coimbatore

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and
C.M.P.Nos.1418 and 7173 of 2024

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