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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.53 of 2024

& CMP.No.1269 of 2024

Shanmuga Priya

... Petitioner

Vs.

D.Jagadeesan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw OP.No.1319 of 2023 from the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Sub-Court, Ranipet.

For Petitioner : Mr.R.Kesavaraja

For Respondent : Mr.S.R.Sankareshwaran

ORDER

The wife, respondent in O.P.No.1319 of 2023 pending on the file of the VI Additional Family Court, Chennai, has come up by way of this transfer petition, seeking transfer of the said proceedings to the file of the Sub-Court, Ranipet.



2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

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3. It is seen that O.P.No.1319 of 2023 has been filed by the respondent/husband for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1956. Now, the petitioner contending that she is finding it difficult to appear before the VI Additional Family Court, Chennai, being a resident of Arcot Taluk, Ranipet, has sought for transfer of the proceedings to the Sub-Court, Ranipet.

4. The learned counsel for the respondent would however submit that the respondent/husband is not well educated and in the event of taking repeated leave for attending the hearings at Sub-Court, Ranipet, he may run the risk of even losing his job. He would further state that with the advancement of technology, the wife can always appear through Video Conferencing facility and there is no need for transfer of the proceedings.

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



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6. Admittedly, the parties attempted mediation before this Court and also before the National Lok Adalat. However, settlement talks were failed and necessarily OP.No.1319 of 2023 will have to be tried on merits. The petitioner/wife has stated that she is residing in Mosur Village, Ranipet and she has to take care of her 3 year old girl child as well.

7. Considering the difficulties that the petitioner may have to undergo to travel about 4 hours one way to attend the proceedings, leave alone the expenses incurred there for, I am inclined to accept the request for transfer. At the same time, in order to balance equities and to protect the interest of the respondent/husband as well, the Transfer Civil Miscellaneous Petitions is allowed in the manner following:

(i) The case in O.P.No.1319 of 2023 pending on the file of the VI Additional Family Court, Chennai, is hereby withdrawn from its file and transferred to the file of the Sub-Court, Ranipet.

(ii) The Sub-Court, Ranipet shall not insist on the physical presence/appearance of the respondent/husband on all hearing dates, except



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when it is absolutely necessary, for the purposes of chief/cross examination of the respondent/husband. At all other hearing dates, it shall be open to the respondent/husband to be represented by his counsel or by authorised agents.

(iii) Considering that the suit is pending from 2023 onwards, the Sub-Court, Ranipet, shall endeavour to expedite final hearing of the said OP and in any event, pass final orders on or before 31.01.2026. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

12.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

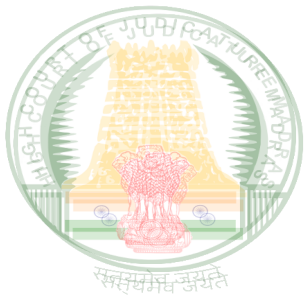
Internet : Yes / No

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To

1.The VI Additional Family Court, Chennai.

2.The Sub-Court, Ranipet.



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P.B. BALAJI,J.

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