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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.C.M.P.No.33 of 2025

& CMP.No.777 of 2025

S.Shalini

... Petitioner

VS.

B.Navin

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw HMOP.No.658 of 2024 on the file of the Family Court, Tiruppur and transfer to the Family Court, Tiruvannamalai.

For Petitioner : Mr.K.S.Navin Balaji

For Respondent : Mr.P.M.Duraiswamy

ORDER

The petitioner/wife seeks transfer of HMOP.No.658 of 2024 on the file of the Family Court, Tiruppur and transfer to the file of the Family Court, Tiruvannamalai.



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2. Heard Mr.K.S.Navin Balaji, learned counsel for the petitioner and Mr.P.M.Duraiswamy, learned counsel for the respondent.

3.The learned counsel for the petitioner would submit that the petitioner resides at Tiruvannamalai and the respondent/husband is gainfully employed at Bangalore. The petitioner expresses serious inconvenience and difficulties for attending the hearings before the Family Court, Tiruppur and sought for withdrawal of HMOP.No.658 of 2024 from the file of the Family Court, Tiruppur to be transferred to the file of the Family Court, Tiruvannamalai.

4.The learned counsel for the respondent would however submit that the respondent has genuine apprehensions that there is no security for his safety since already the petitioner/wife has lodged a false criminal complaint against the respondent/husband. Hence, the learned counsel for the respondent would therefore request this Court to transfer HMOP to the Family Court, Krishnagiri or Salem.



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5. In reply, the learned counsel for the petitioner would submit that the petitioner/wife never lodged a complaint against her husband and it was only the police officials who had included the phone number of the respondent/husband and on coming to know of the husband being implicated in the criminal case, the petitioner has immediately withdrawn the said complaint. The learned counsel for the petitioner also, on behalf of the petitioner, undertakes that the petitioner will not lodge any complaint or threats to the respondent and the respondent will be free to appear before the Family Court, Tiruvannamalai in the event of there being ordered.

6. I have carefully considered the submissions advanced on either side.

7. Admittedly, the petitioner is the resident of Tiruvannamalai and she expresses difficulties to travel all the way to the Family Court, Tiruppur.

8. In view of the representations and undertaking given on behalf of the petitioner/wife, the apprehensions of the respondent/husband are



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certainly taken care of. At the same time, considering that the respondent is employed at Bangalore, the frequent visits to the Family Court, Tiruvannamalai may also jeopardize his employment. In order to protect the interest of both the parties, this Transfer Civil Miscellaneous Petition is ordered on the following terms:

(i) the case in HMOP.No.658 of 2024 is withdrawn from the file of the Family Court, Tiruppur and transferred to the file of the Family Court, Tiruvannamalai.

(ii) the presence of the respondent/husband shall not be insisted upon for all hearings and shall be required only during the stage of trial.

(iii) the Family Court, Tiruvannamalai, shall expedite disposal of HMOP.No.658 of 2024 and in any event dispose of the same on or before 31.01.2026. The Family Court, Tiruvannamalai shall dispense with the counselling since the application of divorce is sought for on the ground of nullity.

(iv) there shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

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To

- 1.The Family Court, Tiruppur.
- 2.The Family Court, Tiruvannamalai.



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P.B. BALAJI,J.

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