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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.28 of 2025
& CMP.Nos.668 and 669 of 2025

S.Samarasam

... Petitioner

Vs.

G.Sakthi

... Respondent

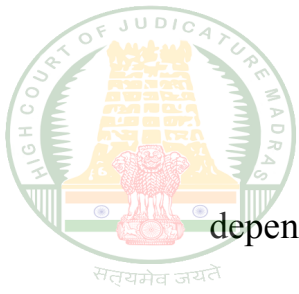
PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw H.M.O.P.No.93 of 2024 pending on the file of the Principal Sub Court, Tindivanam and transfer the same to Sub-Court Thiruvannamalai.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mr.M.I.Javid Akbar

ORDER

This Transfer Civil Miscellaneous Petition has been filed to to withdraw H.M.O.P.No.93 of 2024 pending on the file of the Principal Sub Court, Tindivanam and transfer the same to Sub-Court Thiruvannamalai.



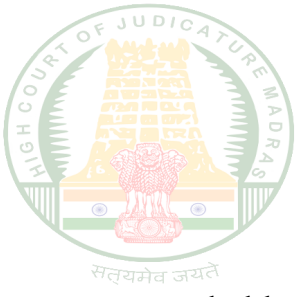
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2. The grievance of the petitioner is that she is unemployed and has to depend on her parents to travel from her residence in Thiruvannamalai to attend the proceedings before the Sub-Court, Tindivanam. It is further contended in the affidavit filed in support of the transfer application that the petitioner apprehends threats to her safety, since the respondent's house is situated just 20 km away from the Principal Sub Court, Tindivanam.

3. The learned counsel, reiterating the averments in the affidavit, seeks for transfer being ordered as prayed for.

4. Per contra, the learned counsel for the respondent submits that the matter is pending only before the Principal Sub-Court, Tindivanam and the petitioner/wife need not appear for all hearings, as she can always be represented by a counsel. Therefore, no prejudice will be caused if the trial continues before the Principal Sub-Court, Tindivanam.

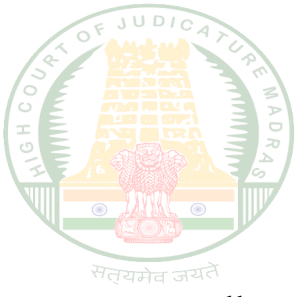
5. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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6. The Hon'ble Supreme Court as well as this Court have repeatedly held that whenever the wife in matrimonial proceedings seeks transfer expressing inconvenience, her convenience is to be considered, and not that of the husband.

7. In the present case, the petitioner/wife has expressed that she is unable to travel from Thiruvannamalai to attend hearings at Tindivanam. She also apprehends that the respondent and his family members may attack her when she attends hearings at the Principal Sub-Court, Tindivanam. In fact, an FIR has also been lodged against the respondent/husband, and a domestic violence complaint is pending before the Additional Mahila Court, Thiruvannamalai. It is also brought to the notice of this Court that the said DVC proceedings are to be disposed of after the respondent/husband remained ex parte.



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8. Considering the above, this Transfer Civil Miscellaneous Petition is allowed. In light of the above, there is no impediment in withdrawing H.M.O.P.No.93 of 2024 from the file of the Principal Sub-Court, Tindivanam and transferred to the file of Sub-Court, Thiruvannamalai, where the petitioner admittedly resides. However, the Sub-Court, Thiruvannamalai, shall not insist on the physical presence of the respondent/husband on all hearing dates, except when it is absolutely necessary. On all other hearing dates, he shall be entitled to be represented by a counsel or authorised agents. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

02.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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To

1.The Principal Sub Court, Tindivanam.

2.The Sub Court, Thiruvannamalai.



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P.B. BALAJI,J.

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