



Tr.C.M.P.No.39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.39 of 2025

and

C.M.P.No.867 of 2025

Rashini

.. Petitioner

Vs.

Ramesh Gajendran

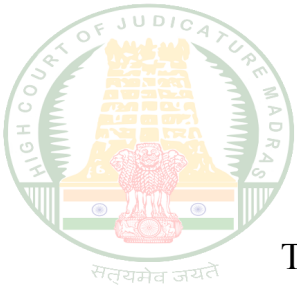
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the H.M.O.P.No.5056 of 2024 from the file of the learned I Additional Principal Judge, Family Court, Chennai to any other competent Court in Madurai in the interest of justice.

For Petitioner : Mr.S.N.Thangaraj

For Respondent : Mr.S.Poovendhan

ORDER



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This transfer petition seeks transfer of H.M.O.P.No.5056 of 2024 from the file of the learned I Additional Principal Judge, Family Court, Chennai to any other competent Court in Madurai.

2.I heard Mr.S.N.Thangaraj for the petitioner and Mr.S.Poovedhan for the respondent.

3.The wife is the transfer petitioner. For the sake of convenience, the parties shall be referred to as husband and wife.

4.The marriage between the petitioner and the respondent was solemnized on 19.11.2023 at Chennai. Within a short period of time, they developed serious disputes and differences and the wife has returned to her parents home at Madurai. The husband has initiated H.M.O.P.No.5056 of 2024 on the file of the I Additional Principal Family Court at Chennai. He pleads that he has been treated with cruelty and therefore, invoked Section 13(1)(ia) of the Hindu Marriage Act, 1955.



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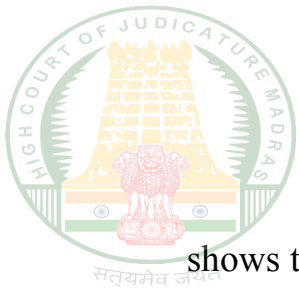
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5.The wife has moved this transfer pleading that she is a permanent resident of Madurai and she is not in a position to travel to Chennai for every hearing before the Family Court at Chennai.

6.Mr.S.Poovendhan states that the father of the petitioner is a powerful person in Madurai and his client had been summoned to the Police Station on several allegations. He adds that the Inspector of Police had threatened the respondent's mother of arrest under the NDPS Act. He pleads that if the proceedings are transferred to Madurai, he would be seriously prejudiced.

7.I have considered the submissions made on both sides.

8.It is not in dispute that the wife is a resident of Madurai. Though Mr.S.Poovendhan claims that the wife is working in Chennai, this claim is disputed by Mr.S.N.Thangaraj. No document has been produced before this Court in order to substantiate the plea that the wife is working in Chennai. On the contrary, the copy of the Aadhar card produced by Mr.S.N.Thangaraj



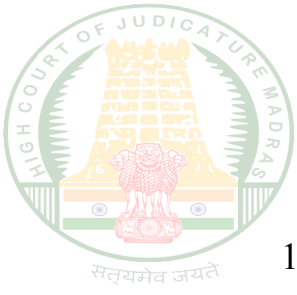
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shows that the wife is a permanent resident of Madurai.

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9. When it comes to matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. At the same time, I have to also take into consideration that the husband is working in Chennai. In the light of the above discussion, this petition succeeds and H.M.O.P.No.5056 of 2024 on the file of the I Additional Principal Judge, Family Court, Chennai, is withdrawn and transferred to the Family Court at Madurai.

10. As the husband is a resident of Chennai and since the distance between Chennai and Madurai is considerable, the learned Family Court at Madurai shall not insist upon the husband to appear for every hearing except the essential hearing. He needs to be present only for hearing where his presence is indispensable or when so directed by the Family Court. For all other hearings, including procedural and non-essential hearings, he shall be represented by a counsel.



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11.In the result, this Transfer Civil Miscellaneous Petition is allowed with the above directions. Consequently, the connected Miscellaneous Petition is closed. No costs.

21.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The I Additional Principal Judge,
Family Court,
Chennai.

2.The Judge,
Family Court,
Madurai.

V.LAKSHMINARAYANAN, J.



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