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Tr. CMP.No.131 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED :07.02.2025**

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**Tr. CMP.No.131 of 2025**

**and**

**C.M.P.No.2643 of 2025**

Prasath Paulraj Shree Venkatesh @  
PSV. Prasath

... Petitioner

**Vs.**

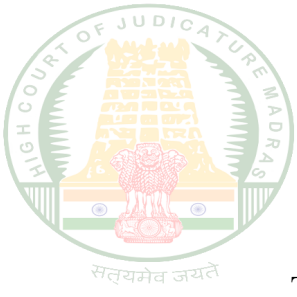
Mrs.P.Geethanjali

... Respondent

**Prayer:-** Transfer Petition is filed under Section 24 of the CPC for withdrawal of FCOP No.2 of 2025 filed by the respondent/petitioner herein pending on the file of Hon'ble Family Court, Erode and transfer the same to the file of Hon'ble Subordinate Court, Poonamallee to be tried along with HMOP SR No.795 of 2025 and pass such further or other orders as this Hon'ble Court may deem fit and proper and thus render justice.

For Petitioner

: M/s.Siva Subramanian B  
for Gurukkal Law Associates



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### **ORDER**

The respondent /husband is the petitioner before this Court seeking transfer of FCOP.No.2 of 2025 pending on the file of the Family Court at Erode to the file of the Sub Court at Poonamallee where he has initiated proceedings for restitution of conjugal rights which is yet to be numbered.

2. The facts as set out in the affidavit are herein below concisely set out.

3. The petitioner would submit that he had married the respondent on 13.09.2019. The petitioner would submit that after the marriage he and the respondents had set up their matrimonial home at Tiruvallur and later shifted their residence to Sangagiri from where they once again moved back to Tiruvallur, where they had originally set up their matrimonial home. The petitioner would submit that the respondent had not performed the duties of a wife and was totally indifferent to the petitioner. The respondent would frequently quarrel with the petitioner and abuse him using unparliamentary language. However, the petitioner would concede that the respondent had helped him financially and had handed over her salary to him which helped him to overcome the financial crisis.



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4. The petitioner would submit that not only the respondent quarrelled with him but also pick a quarrel with his mother and on several occasions after the quarrel she would leave for her parental home and return after a week or two. Similarly, on 20.03.2020 after a quarrel with the petitioner she had gone back to her parental home and on account of the corona pandemic she had stayed there for over 5 months. The respondent later returned to her matrimonial home and thereafter insisted that the petitioner to include his name in her mother's ration card. On 30.08.2021 she had lodged a complaint with the All Women Police Station, Avadi, Chennai with false and frivolous allegations. The police authorities had advised the petitioner and the respondent to undergo a counseling. However, the respondent had flatly refused to attend the counseling.

5. The petitioner would submit that in the meanwhile he had to undergo hospitalization on 04.10.2022 for Kidney surgery. However, the respondent had refused to take care of him as would be expected of a wife. She then demanded that the petitioner give her gold jewellery worth over a sum of Rs.15,00,000/- and also insisted upon the petitioner taking an insurance policy in the name of the respondent and to deposit a lump sum amount in a fixed deposit for her for taking care of him. Though the doctors had advised that the petitioner required constant attention, she was



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not willing to take care of him. He, therefore had sent a lawyer's notice dated 12.10.2023 asking her to rejoin him. However, there has been no response to the said notice and instead of rejoining, the respondent had filed FCOP.No.2 of 2025 for divorce on the ground of cruelty.

6. The respondent would submit that he has a Stage-5 Chronic Kidney Disease (CKD) Secondary to diabetes mellitus and hypertension and his mother who is a senior citizen would have to escort him to every hearing of FCOP.No.2 of 2025. Therefore, the petitioner has come forward with this petition.

7. Heard the learned counsels on either side and perused the records.

8. No doubt, the petition is now pending before the Family Court at Erode. However, if the matter is transferred to Poonamallee as requested by the petitioner, the respondent/wife would also have to travel to Poonamallee.

9. Considering the above, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed. However, considering the health condition of the



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petitioner/husband, the following directions are issued to the Family Court,

Erode :-

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(i). The presence of the petitioner/husband is dispensed with in FCOP No.2/2025 for all hearings except at the time of counseling and at the time of adducing oral evidence on the side of the petitioner/husband.

(ii). In case at the time of adducing evidence, if the petitioner/husband is not physically able to attend the Court then the Court may consider recording his evidence through video conferencing mode.

**07.02.2025**

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Family Court, Erode.

2. The Subordinate Court, Poonamallee.



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**P.T. ASHA. J.,**

(shr)

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