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TR.CMP.No.261 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B.BALAJI

TR.CMP.No.261 of 2025

and

CMP.No.5066 of 2025

R.Suganya

...Petitioner

Vs.

V.Rajesh

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw and to transfer the HMOP.No.181 of 2024 from the file of learned I Additional Principal Family Court, Chennai to the file of the learned Family Court, Perambalur.

For Petitioner : Mr.G.Ilamurugu

For Respondent : Mrs.G.A.Girija Venkataraman



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ORDER

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The petitioner/wife seeks transfer of HMOP.No.181 of 2024 pending on the file of the I Additional Principal Family Court, Chennai to the file of the Family Court, Perambalur.

2. It is the main grievance of the petitioner/wife that, she resides in Perambalur and she has two minor child to take care of and it would be very much inconvenient for her to attend the HMOP proceedings before the I Additional Principal Family Court, Chennai. Hence, the petitioner/wife has come forward with the present transfer petition.

3. Per contra, the learned counsel for the respondent states that the respondent/husband is suffering from chronic back ache and he is not in a position to travel to Perambalur to attend the HMOP proceedings, if the transfer as prayed for by the petitioner/wife is ordered.

4. I have heard the learned counsel on either side and I have also perused the affidavit filed in support of this transfer petition.



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5. In view of the settled proposition that in a matrimonial proceedings, whenever the wife seeks transfer, paramount consideration should be that of the convenience of the wife, and at the same time, considering the inconvenience expressed by the respondent/husband, and in order to balance equities, this Court, while allowing the present transfer petition as prayed for, by withdrawing the case in HMOP.No.181 of 2024 from the file of the I Additional Principal Family Court, Chennai and transferring the same to the file of the Family Court, Perambalur, directs the Transferee Court not to insist on the physical presence of the respondent/husband for all hearings, except where it would be absolutely necessary.

6. Further, if there is any provision available for examination of the respondent/husband being made through the Video Conferencing facility, it is open to the respondent/husband to avail the said facility and if any such request is made by the respondent/husband, the Family Court, Perambalur shall allow the same.



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7. With the above observations and directions, this Transfer Civil

Miscellaneous Petition stands allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

1. The I Additional Principal Family Court,
Chennai.

2. The Family Court,
Perambalur.

P.B. BALAJI, J.



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