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Tr.CMP.No.303 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.CMP.No.303 of 2025
and CMP.No.6188 of 2025

K.Preethi

... Petitioner

Vs.

M.Raja

... Respondent

Prayer: Transfer Petition filed under Sec.24 of CPC praying to withdraw the petition in F.C.O.P.No.137 of 2024 on the file of Family Court at Vellore and transfer the same to Sub Court at Poonamallee.

For Petitioner : Mr.A.Anbharasu

For Respondent : Served [No appearance]

ORDER

The petitioner-wife has filed the present transfer petition seeking to withdraw the F.C.O.P.No.137 of 2025 filed by the respondent-husband before the Family Court, Vellore and transfer the same to Sub Court at Poonamallee.



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2. The petitioner-wife would submit that her marriage with respondent had taken place on 27.06.2021 as per Hindu rites and customs. After marriage, her husband got employed in London and they moved to London. During her stay at London, she faced harassment at the hands of the respondent. Her husband's job at London was terminated, owing to which, they were forced to return to India. They have no issues out of the wedlock. They set up a separate home at Tambaram, however, the petitioner was subjected to mental and physical torture, which forced her to leave her matrimonial home. The husband had filed a petition in FCOP.No.137 of 2024 for restitution of conjugal rights before the Family Court at Vellore, which according to the petitioner-wife, is a shield to safeguard him from the allegations made against him. The petitioner-wife unable to continue her marital life with the respondent-husband, filed a petition for dissolution of marriage before the Sub Court, Poonamalle and the same is taken on file as H.M.O.P.No.559 of 2024.

3. The petitioner-wife would contend that she is residing at Thandalam and working as an IT professional. She is suffering from several health issues and therefore, she finds it difficult to attend the



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hearings at Family Court, Vellore. She would contend that since the matter is before Family Court, Vellore, her physical presence for every hearing is necessary, for which purpose, she has to take a day off, which would impact her employment. She is the only bread winner of her family taking care of her age old parents. According to her, the respondent-husband is influential in Vellore and therefore, she apprehends threat to her as well as her parents' life during their visit to Vellore. She also pleads that in order to avoid multiplicity of proceedings and contradicting decisions in both the cases, the petitioner seeks transfer of FCOP.No.137 of 2024 to Sub Court at Poonamallee to be tried along with H.M.O.P.No.559 of 2024.

4. Heard the learned counsel for the petitioner. Though the respondent has been served with notice, he neither chose to appear either in person or through a counsel.

5. Taking into account the difficulties expressed by the petitioner in travelling to Vellore, which is approximately 140 kms. from Chennai to attend every hearings and also she fearing threat at the hands of the respondent-husband at Vellore, this Court deems it fit to consider the prayer



Tr.CMP.No.303 of 2025

WEB COPY

now sought in this Transfer CMP. Accordingly, the transfer petition is allowed and F.C.O.P.No.137 of 2024 pending on the file of Family Court, Vellore, is withdrawn from its file and transferred to Sub Court at Poonamallee, to be tried along with H.M.O.P.No.559 of 2024. No costs. Consequently, connected miscellaneous petition is closed.

21.04.2025

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

- 1.The Judge
Family Court
Vellore.
- 2.The Sub Judge
Poonamallee.
- 3.The Section Officer
VR Section
High Court, Madras.



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P.T. ASHA, J.

ds

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