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Tr.CMP.No.298 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

Tr.CMP.No.298 of 2025

and

CMP.No.6124 of 2025

Angel

... Petitioner

Vs.

Sunil Kumar @ Xavier Reddy

... Respondent

For Petitioner : Mr.K.Annamma

For Respondent : Mr.A.Bakkiya Raj

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 Rule (1)(2) of the Code of Civil Procedure, to withdraw the O.P.No. 4298 of 2024 pending on the file of the II Additional Family Court, Chennai and to transfer the same to the file of the Family Court at Polur, Thiruvannamalai District.

ORDER

The petitioner/wife seeks transfer of O.P. No. 4298 of 2024 pending on the file of the II Additional Family Court, Chennai, to the file of the Family Court, Polur, Thiruvannamalai.



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2. Heard the learned counsel for the parties.

3. The learned counsel for the petitioner states that the petitioner's husband has filed the said OP seeking dissolution of the marriage. The petitioner resides within the jurisdiction of the Thiruvannamalai Court, namely at Polur and she has the responsibility of taking care of a minor child who is less than one year old. She has expressed genuine inconvenience in attending the hearings before the II Additional Family Court, Chennai. Therefore, she seeks a transfer.

4. Per contra, the learned counsel for the respondent/husband submits that the respondent will not be in a position to attend the hearings at the Family Court, Polur, Thiruvannamalai, since he has to take care of his aged mother. Hence, it would be difficult for him to attend the proceedings at Family Court, Polur and he opposes the transfer.

5. However, considering that this Court as well as the Hon'ble Supreme Court of India have repeatedly held that the convenience of the wife is of paramount consideration in an application seeking transfer, I am



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inclined to accept the request of the petitioner for transfer from the II Additional Family Court, Chennai, to the file of the Family Court, Polur, Thiruvannamalai. At the same time, the Family Court, Polur, Thiruvannamalai, shall not insist on the physical presence of the respondent/husband on all hearing dates, except where it is absolutely necessary and shall permit the respondent/husband to be represented by Counsel/authorised agents on all other hearing dates.

6. In view of the above and on perusal of records, this petition is allowed. The O.P.No. 4298 of 2024 pending on the file of II Additional Family Court, Chennai is withdrawn and ordered to be transferred to Family Court, Polur, Thiruvannamalai. The learned Presiding Officer of the II Additional Family Court, Chennai is directed to dispatch the entire case records pertaining to O.P.No. 4298 of 2024 duly indexed to the Family Court, Polur, Thiruvannamalai as quickly as possible. Consequently, connected miscellaneous petition is also closed. No costs.

20.06.2025

nsI



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P.B.BALAJI, J.

ns1

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1. II Additional Family Court,
Chennai.
2. The Family Court, Polur,
Thiruvannamalai.

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20.06.2025