



Tr.C.M.P.No.391 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :16.07.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

Tr.C.M.P.No.391 of 2025 and CMP No.8790 of 2025

B.Megala

... Petitioner

vs

G.Vignesh

.. Respondent

Petition filed under Section 24 of Civil Procedure Code to withdraw HMOP No.314 of 2024, on the file of Sub Court, Alandur and transfer the same to Family Court, Tuticorin.

For Petitioner : Mr.P.Raja

For Respondent : Mr.E.V.Chandru

ORDER

The petitioner/wife is facing proceedings for restitution of conjugal rights in HMOP No.314 of 2024 before Sub Court, Alandur. The petitioner, claiming that she is a resident of Tuticorin, has come forward with the present transfer request to withdraw HMOP No.314 of 2024 pending on the file of Sub Court, Alandur and transfer the same to Family Court, Tuticorin.



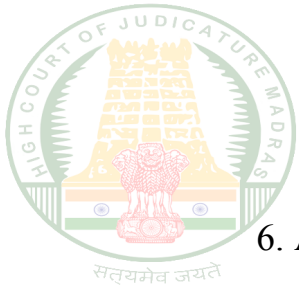
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WEB COPY 2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioner, inviting my attention to the averments set out in the affidavit filed in support of the transfer petition, states that the petitioner resides in Tuticorin along with one year and seven month old girl child and she is not in a position to travel all the way from Tuticorin to Chennai to defend the proceedings, initiated by the respondent/husband.

4. Learned counsel for the respondent/husband would state that subsequent to filing of HMOP No.314 of 2024 for restitution of conjugal rights, the petitioner/wife has initiated proceedings under Domestic Violence Act before Judicial Magistrate, Tuticorin and the respondent/husband apprehends threats to his safety.

5. However, considering the fact that the petitioner/wife is having an additional duty to take care of her one year and seven month girl child, I am inclined to accept the inconvenience cited by the petitioner/wife as the prime reason for seeking transfer.



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6. Accordingly, Tr.C.M.P.No.391 of 2025 is allowed and the proceedings

in HMOP No.314 of 2024 pending on the file of Sub Court, Alandur is withdrawn and the same is transferred to Family Court, Tuticorin.

7. The Sub Court, Alandur is directed to send the entire records relating to HMOP No.314 of 2024 to Family Court, Tuticorin forthwith.

8. Considering the fact that HMOP No.314 of 2024 is pending before Sub Court, Alandur, where the presence of the parties is not required, while ordering transfer, I direct the Family Court, Tuticorin not to insist on the physical presence of the respondent/husband on all hearing dates, except where it would be absolutely necessary.

9. Learned counsel for the respondent/husband seeks for a direction to the Family Court, Tuticorin to dispose of HMOP No.314 of 2024 expeditiously considering that petition is pending from the year 2024 and also in view of the respondent facing complaint under Protection of Women from Domestic Violence Act 2005.



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P.B.BALAJI.,J.

sr

10. It is brought to my notice that the petitioner has already been set exparte before the Sub Court, Alandur and the learned counsel for the petitioner states that necessary application for setting aside the exparte order would be taken upon the transfer of the proceedings to the file of Family Court, Tuticorin. The said application shall be disposed of within a period of thirty days and thereafter, if warranted, subject to the orders in the setting aside petition, the Family Court, Tuticorin shall dispose of HMOP No.314 of 2024 within a period of six months thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

1. The Sub Court, Alandur

2. The Family Court, Tuticorin

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