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Tr.CMP. No.390 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

TR.CMP. No.390 of 2025

and CMP. No.8655 of 2025

Mr.Karthick

Petitioner

Vs

1.Sangavi

2.Nedungadu Commune Panchayat
Puducherry.

Respondents

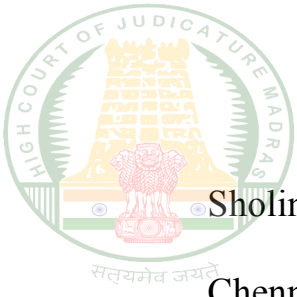
PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P. No.80 of 2023 on the file of Family Court, Karaikal and transfer the same to the Subordinate Court at Alandur Court.

For Petitioner : Ms.M.Durgadevi

For Respondents : Mr.T.Saikrishnan for R1
R2- Not ready Notice.

ORDER

The petitioner/husband seeks transfer of HMOP. No.80 of 2023 filed by the respondent/wife for dissolution of marriage between the petitioner and the respondent. The petitioner's contention in seeking transfer is that both the petitioner and the respondent are residing only in

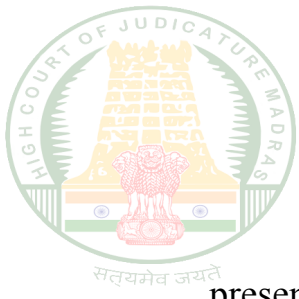


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Sholinganallur Chennai and they are both employed in the outskirts of Chennai city. They also have a male child who is under the custody of the parents of respondent/wife and attending a School at Thuraipaakkam. Considering the convenience of both the parties, the petitioner seeks transfer of matrimonial proceedings initiated by the respondent/wife to Sub Court Alandur, which would be nearer to the residence of both the petitioner and respondent/husband.

2. Per contra, the learned counsel for the respondent would state that the convenience of the wife alone would have to be considered and when the respondent has initiated proceedings before the Family Court, Karaikkal where the respondent has her permanent residence, it would not be open to the petitioner to seek transfer of the same to the Sub Court Alandur.

3. I have carefully considered the submissions advanced by the learned counsel on either side.



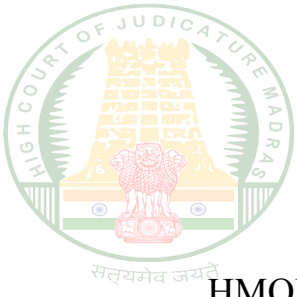
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4. Admittedly, the fact that the petitioner and the respondent are presently residing in Chennai is not disputed by the respondent. Equally, the fact that the minor child is attending School in Thuraipakkam is also not in dispute. Therefore, considering the convenience of the parties, the petitioner and also the respondent, moreso, since the request for transfer before Sub Court, Alandur, where physical presence of the parties is not mandatory, I am inclined to entertain the transfer request made by the petitioner/husband.

5. In fine, Transfer Miscellaneous Petition is allowed and the proceedings in HMOP. No.80 of 2023 before the Family Court, Karikkal is hereby withdrawn and transferred to the file of the Sub Court, Alandur. It is made clear that the petitioner as well as the respondent will not be required to attend all hearings and they are entitled to engage a counsel to represent them, however when their presence is absolutely necessary during trial, they shall physically appear before the Sub Court, Alandur. The learned counsel for the respondent would seek for expeditious disposal of HMOP, since the HMOP is of the year 2023, the learned Sub Judge, Alandur is directed to expedite the hearings in the



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P.B.BALAJI, J.,

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HMOP and dispose of the same along with counter claim for restitution of conjugal rights, on or before 31.01.2026. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

25.06.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

1. The Judge, Family Court, Karaikal

2. The Sub Judge, Alandur.

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