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Tr.CMP. No.384 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.384 of 2025

and CMP. No.8461 of 2025

P.Indu

..Petitioner

Vs

B.Karthik Raja

...Respondent

PRAYER: This Transfer Civil Miscellaneous Petitions are filed under Section 24 of CPC, to withdraw the HMOP. No.170 of 2024 on the file of the Family Court, Nagapattinam and transfer the same to the Sub Court, Oddanchatram.

For Petitioner : Mr.S.Marshall

For Respondent : Mr.K.Venkateswaran

ORDER

The petitioner is the wife/respondent in HMOP. No.170 of 2024 which has been filed by the husband before the Sub Court, Nagapattinam. The petitioner has come forward seeking transfer of the said proceedings to the Sub Court, Oddanchathiram, the place of the present residence of the petitioner/wife.



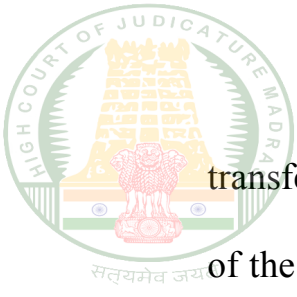
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2. The Transfer Petition is opposed by the learned counsel for the respondent on the ground that the petitioner's family members have trespassed and threatened the respondent at Thiruvarur when the respondent was residing there. He would further submit that the respondent is employed in Chennai and it would be convenient, if the proceedings is transferred to Sub Court, Trichirappalli instead of Oddanchathiram.

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

4. Time and again, as repeatedly held by the Hon'ble Supreme Court as well as this Court, the paramount consideration in such matters requesting transfer should be the convenience of the wife. The petitioner/wife had expressed inconvenience to travel all the way to Nagapattinam to attend the divorce proceedings filed by the respondent/husband. The petitioner has also stated that she has shifted from Chennai to Oddanchathiram.

5. In the light of the above and also considering the fact that



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transfer is sought only to Sub Court, Oddanchathiram where the presence of the respondent/husband would not be necessary for all hearing dates, I am inclined to allow the Transfer Civil Miscellaneous Petition. Insofar as the the said issues of the family members of the petitioner, the learned counsel for the petitioner, on instructions, states that firstly there is no such threat and in any event, the petitioner is willing to give an undertaking that there would be no safety and security issues for the respondent/husband while he attends the hearings before the Sub Court, Oddanchathiram.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the case in HMOP No.170 of 2024 is withdrawn from the file of the Sub Court, Nagapattinam and transferred to the file of the Sub Court, Oddanchathiram. At the same time, the interest of the respondent/husband should also be taken care of and considering the same, while allowing the transfer petition, directions are issued to the Sub Court, Oddanchathiram not to insist on the physical presence of the respondent/husband on all hearing dates, except where it is absolutely necessary say, for the purpose of his examination. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.



Tr.CMP. No.384 of 2025

P.B.BALAJI, J.,

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The learned Sub Judge, Oddanchathiram is directed to dispose of the
HMOP. No.170 of 2024, on or before 31.03.2026.

25.06.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

1. The Sub Judge, Nagapatinam.
2. The Sub Judge, Oddanchatram.

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