



Tr.C.M.P.Nos.470 and 472 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :05.06.2025

CORAM:

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

Tr.C.M.P.Nos.470 and 472 of 2024 and C.M.P.Nos.9459 and 9508 of 2024

Mrs.V.Anusuya

.... Petitioner in both the petitions

VS

1.Mr.R.Raanes

2.Venkateswaran

... Respondents in both the petitions

Tr.Civil Revision Petition filed under Section 24 of Civil Procedure Code seeking to withdraw HMOP No.38 of 2023 on the file of the Sub Court, Pollachi and transfer the same to the file of Family Court, Thanjavur and also withdraw MC No.109 of 2023, pending on the file Principal Family Court, Coimbatore to the file of Family Court, Thanjavur.

For Petitioner

: Mr.R.Kalaikumar

For Respondents

: Mr.V.Johnson Yuvaraj

For R.1

No appearance – R.2



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COMMON ORDER

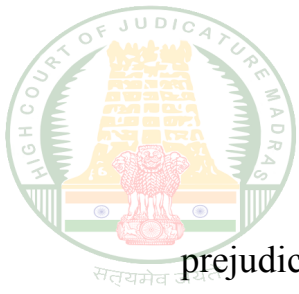
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Tr.C.M.P.No.470 OF 2024 has been filed by the petitioner/wife seeking transfer of HMOP No.38 of 2023 from the file of the Sub Court, Pollachi to the file of Family Court, Thanjavur and also Tr.CMP No.472 of 2024 has been filed by the petitioner/wife seeking transfer of M.C.No.109 of 2023 pending on the file of Principal Family Court, Coimbatore to the file of Family Court, Thanjavur since both the cases are connected and issues involved are also one and the same and parties are also same.

2. Heard the learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that MC No.109 of 2023, filed by the petitioner/wife is also connected with HMOP No.38 of 2023.

4. Learned counsel for the petitioner submits that the petitioner/wife is obligated to take care of her minor child, aged 4 years and she finds it difficult to proceed all the way from Thanjavur to Pollachi. Learned counsel also submits that the petitioner is employed at Thanjavur and it is the specific case of the petitioner that her husband is in Muscat and therefore, no



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prejudice would be caused to the respondent/husband if he is directed to appear before the Family Court, Thanjavur.

5. Learned counsel for the 1st respondent/husband submits that if the case is transferred to the file of Family Court, Trichy it would be convenient for the 1st respondent/husband and no prejudice would be caused to the petitioner/wife since it is only hours driving way from Thanjavur to Trichy.

6. I have considered the submissions I have gone through the affidavit filed in support of the petition.

7. Admittedly, the petitioner/wife seeks transfer of the matrimonial proceedings from Sub Court Pollachi to Family Court, Thanjavur. Appearance of the parties before the Family Court is necessary unlike, Subordinate Court, where, the parties can be represented by counsel. Therefore, if the request of the wife is acceded to and the proceedings is transferred to Family Court, Thanjavur, it necessarily requires the 1st respondent/husband to appear on all the hearing dates,. At same time, the inconvenience and the difficulties expressed by the petitioner/wife that she



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has to take care of her 4 years child can also not be ignored. In order to balance equity and the interest of the parties, the following order is passed:

(i) HMOP No.38 of 2023, pending on the file of Subordinate Court, Pollachi is transferred to Family Court, Thanjavur;

(ii) M.C.No.109 of 2023, pending on the file of Principal Family Court, Coimbatore is transferred to Family Court, Thanjavur;

(iii) The respondent/husband's physical presence shall not be insisted upon by the Family Court, Thanjavur except for the hearings that is absolutely necessary for the purpose of chief and cross examination and not otherwise;

(iv) On all the other hearing dates, learned counsel for the respondent shall be permitted to represent for the respondent/husband;

(v) It is always open to the respondent/husband to appoint a power of attorney as well to attend regular hearings, other than the hearings where the presence of the husband physically would be absolutely necessary;



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(vi) The Subordinate Court, Pollachi is directed to send the entire records relating to HMOP No.38 of 2023 to the Family Court, Thanjavur forthwith.

(vii) The Principal Family Court, Coimbatore is directed to send the entire records relating to MC No.109 of 2023 to the Family Court, Thanjavur forthwith.

(viii) Since MC No.109 of 2023 filed by the petitioner/wife is also connected with HMOP No.38 of 2023 and the issues involved in both the above cases are one and the same and parties are also some, the Family Court, Thanjavur is directed to conduct joint trial in both HMOP No.38 of 2023 and MC No.109 of 2023 and dispose of the same expeditiously in the manner known to law.

No costs. Consequently, connected miscellaneous petitions are closed.

05.06.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
sr

P.B.BALAJI.,J.



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Sr

To

1. The Subordinate Court, Pollachi
2. The Principal Family Court, Coimbatore
3. The Family Court, Thanjavur

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