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Tr.CMP.No.421 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

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THE HONOURABLE MR. JUSTICE P.B.BALAJI

Tr.CMP.No.421 of 2025

and

CMP.No.9660 of 2025

Saranyadevi
D/o.Anbalagan

... Petitioner

Vs.

Gunasekar
S/o.Muthu

... Respondent

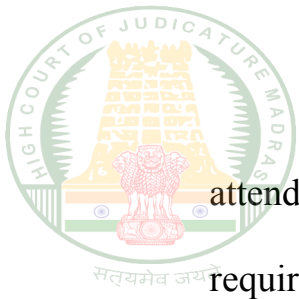
Prayer: Transfer CMP filed under Section 24 of Civil Procedure Code, to withdraw the case in HMOP.No.3391 of 2024, pending on the file of the Principal Family Court at Chennai and transfer the same to the Family Court at Trichy.

For Petitioner : Mr.M.Venkatesh
for M/s.R.Jayaprakash
For Respondent : Mrs.R.Hemavathi
for Mr.G.Sudangan

ORDER

The petitioner/wife seeks transfer of the proceedings initiated by the respondent / husband for a dissolution of marriage in HMOP.No.3391 of 2024, presently pending on the file of the Principal Family Court at Chennai.

2. The petitioner states that she is unable to come to Chennai for



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attending the hearings considering the distance and also since her presence is required to take care of her aged parents and also there being no relatives here at Chennai for the petitioner to stay, has sought for transfer.

3. Heard the learned Counsel on either side.

4. Learned Counsel for the petitioner / wife reiterating the averments in the transfer CMP would state that the petitioner is not in a position to attend the proceedings before the Family Court at Chennai.

5. Per contra, the learned Counsel for the respondent / husband relying on the additional typeset of papers containing medical records of the respondent / husband's mother would contend that his mother requires 24/7 assistance, as she is on oxygen support, besides also suffering from various other ailments. Learned Counsel further contends that the petitioner has appeared only through video conferencing, except for one occasion, where she attended the proceedings in person. Learned Counsel would therefore state that, there is no difficulty for the petitioner to continue to attend the proceedings through video conferencing, which has been made available in the Family Court at Chennai and in the event, if the petitioner's personal



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presence being required for the purposes of chief and cross examination, the respondent / husband is willing to take care of the necessary expense. Learned Counsel would therefore pray for the dismissal of the transfer CMP.

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6. Admittedly, the Hon'ble Supreme Court as well as this Court have repeatedly held that that in the matters of transfer of matrimonial proceedings, the paramount consideration has to necessarily be the convenience of the wife. In such view of the matter, when the wife has come forward with the transfer request, citing inconvenience to attend the proceedings in Chennai, considering her residence at Trichy and there being no place to stay at Chennai, I find that the petitioner has made out reasonable case for seeking transfer to the Court at Trichy. At the same time, considering the respondent's difficulty that is expressed in the counter affidavit and also supported by medical records, in order to balance the interest of both the parties, I deem it appropriate to transfer HMOP NO.3391 of 2024 on the file of the Principal Family Court, Chennai to the file of the Sub-Court, Trichy.

7. Accordingly, HMOP No.3391 of 2024, pending on the file of the Principal Family Court, Chennai is withdrawn from it's file and transferred to the Sub-Court, Trichy.



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8. The Principal Family Court, Chennai is directed to send the entire records relating to HMOP No.3391 of 2024 to Sub-Court, Trichy forthwith.

9. The transferee Court, namely, the Sub-Court Trichy shall not insist on the physical appearance of the respondent / husband and shall be entitled to be represented by the Counsel and if there is possibility of trial being held through video conferencing facility and the respondent / husband opts for the same, then the Sub-Court shall make available such facility to the respondent / husband, so that he would not be required to leave his residence at Chennai, where his physical presence is required to take care of his mother. Even in the worst scenario, if the presence of the respondent is required for the purposes of examination, the Sub-Court, Trichy shall ensure that the examination of the respondent shall be concluded on a single day.

In the result, the Transfer CMP is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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1. The Principal Family Court at Chennai.
2. The Sub-Court, Trichy.



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P.B.BALAJI, J.

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