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TR.CMP.No.440 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B.BALAJI

TR.CMP.No.440 of 2025

and

CMP.No.10192 of 2025

Jayalakshmi

...Petitioner

Vs.

Siva

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw the petition in FCOP.No.24 of 2024, from the file of the learned Family Judge, Tiruvannamalai and transfer the same to the Principal Family Court, Chennai.

For Petitioner : M/s.S.Ambigapathi

For Respondent : Mr.D.Vasanthakumar

ORDER

The petitioner/wife seeks transfer of FCOP.No.24 of 2024 pending on the file of the learned Family Judge, Tiruvannamalai to the file of the Principal Family Court, Chennai.



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2. Learned counsel for the petitioner/wife submits that, the ground on which the petitioner seeks transfer of the FCOP proceedings is that, the petitioner, though originally, resided in Tiruvannamalai, however, she has now been transferred and posted in Chennai and therefore, she is unable to attend the FCOP proceedings before the learned Family Judge, Tiruvannamalai. Hence, the petitioner has come up with the present transfer petition.

3. Per contra, the learned counsel for the respondent/husband opposed the present transfer application stating that if the petitioner's request for transfer is accepted, it may give rise to further transfer request in future, in the event of the petitioner being transferred to other places out of Chennai.

4. I have heard the learned counsel on either side and I have also perused the affidavit filed in support of this transfer petition.



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5. I find that initially when the FCOP proceedings has been initiated by the respondent/husband before the learned Family Judge, Tiruvannamalai, the petitioner/wife was very much residing in Tiruvannamalai and therefore, the respondent cannot be found fault with for approaching the learned Family Judge, Tiruvannamalai.

6. At this juncture, the learned counsel for the petitioner on instructions, gave an undertaking that, in the event of there being any future transfer and posting out of Chennai, no further transfer request would be made by the petitioner/wife.

7. Recording the above undertaking given by the learned counsel for the petitioner, this Court is inclined to allow the petitioner's transfer request and accordingly, the case in FCOP.No.24 of 2024 is withdrawn from the file of the learned Family Judge, Tiruvannamalai and the same is transferred to the file of the Principal Family Court, Chennai, to be either taken up by the Principal Family Court, Chennai or assigned/allotted to any of the Additional Family Court, Chennai, taking into account the workload/ pendency of cases before the Family Courts, Chennai, at the



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discretion of the learned Principal Judge, Chennai. It is made clear that, the physical presence of the respondent/husband shall not be insisted upon by the Transferee Court during all the hearing dates and the respondent is entitled to be represented by the learned counsel of his choice and he shall appear before the Transferee Court, physically only when his presence is absolutely necessary for the purposes such as examination in chief and cross.

8. With the above directions, this Transfer Civil miscellaneous petition stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.08.2025

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Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

1. The Family Judge, Tiruvannamalai.
2. The Principal Family Court, Chennai.



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P.B. BALAJI, J.

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