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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

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

Tr.CMP. No. 514 of 2024

M.Jagadeswari	...	Petitioner
vs.		
V.Vinothkumar	...	Respondent

This petition has been filed under Section 24 of C.P.C., to withdraw HMOP. No.43 of 2024 pending on the file of the Family Court, Dharmapuri and transfer the same to the file of a Family Court at Chennai.

For Petitioner	:	Mrs.Sudha Ramalingam
For Respondent	:	Mr.C.Prabakaran

ORDER

The wife seeks transfer of the proceedings in HMOP No.43 of 2024 pending on the file of the Family Court, Chennai.

2. I have heard the learned counsel for the parties and perused the materials available on record.



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3. The petitioner wife has sought for transfer on the ground that the petitioner's residence is within the jurisdiction of the Family Court at Chennai, where she is also employed. The petitioner is also taking care of her minor child, who is studying in a school in Chennai.

4. The learned counsel for the petitioner would invite my attention to the averments in the petition where the respondent has stated that after completing his P.G., he is working in a Scan Centre at Tambaram. The petitioner would further submit that if the proceedings are transferred to the Family Court at Chennai, no inconvenience would be caused to the respondent also. The petitioner would further state that she has filed a petition for restitution of conjugal rights before the Principal Family Court, Chennai in H.M.O.P. No.320/2025 and the same is pending. Hence, this Court may transfer the case in H.M.O.P. No.43 of 2024 to the file of the Principal Family Court, Chennai along with H.M.O.P. No.320 of 2025.

5. *Per contra*, the learned counsel for the respondent would submit that the petitioner and his family members are harassing the respondent



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and there is a life threat for the respondent and he apprehends fear of his life and security, if he is forced to attend the hearing at Family Court, Chennai.

6. However, on going through the counter-affidavit filed by the respondent/husband in this case, I do not find any such averments expressing apprehensions of threat to the respondent's life. The mere statement that the petitioner's family are people of means and influential is not a ground to deny the request of the petitioner /wife. When she has made out a good ground for seeking transfer especially, considering her residence in Chennai and also her minor child who is being taken care of by her and who studying in Chennai.

7. In the light of the above, I am inclined to withdraw the H.M.O.P. No.43 of 2024 on the file of the Family Court, Dharmapuri and transfer it to the file of Principal Family Court, Chennai to be tried along with H.M.O.P. No. 320 of 2025 and the learned Judge, Family Court, Chennai shall dispose of the above cases within a period of nine months from the date of receipt of a copy of this order.



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P.B.BALAJI,J.

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8. With the above directions, this Transfer Civil Miscellaneous
Petition is allowed. No costs.

03.07.2025

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To

1. *The* Family Court, Dharmapuri.
2. The Principal Family Court, Chennai

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