



Tr.C.M.P.No.480 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.07.2025

CORAM:

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

Tr.C.M.P.No.480 of 2025 and CMP No.11348 of 2025

R.Kowsalya

... Petitioner

vs

D.Ayyar Arunraj

.. Respondent

Petition filed under Section 24 of Civil Procedure Code to withdraw HMOP No.621 of 2024 on the file of Family Court, Theni and transfer the same to Sub Court, Udumalpet.

For Petitioner : Mr.S.Arunprasath

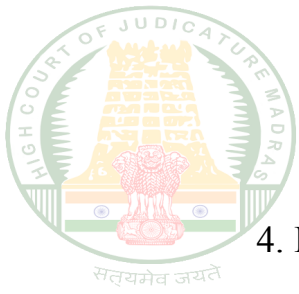
For Respondent : Mr.K.Lavan

ORDER

It is reported that the petitioner has not been able to settle the matter.

2. The petition is at the instance of the wife, seeking transfer of HMOP No.621 of 2024 pending on the file of Family Court, Theni to Sub Court, Udumalpet.

3. Heard the learned counsel for the parties.



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4. Learned counsel for the petitioner states that the petitioner has genuine inconvenience to travel 150 kms both ways. She is also having a 5 months old baby boy to take care. In view of the above, the petitioner seeks transfer of HMOP No.621 of 2024 from the file of Family Court, Theni to Sub Court, Udumalpet.

5. Learned counsel for the respondent/husband submit that grounds of transfer are not warranting transfer to be made. He would further submit that HMOP has been filed for restitution of conjugal rights and even in the affidavit filed in support of the petition, the respondent/husband has stated that he is ready to live with the petitioner/wife and therefore, the learned counsel opposed the petition.

6. However, considering the fact that even in the affidavit, filed in support of the transfer petition, the petitioner/wife has stated that initially she was willing to live with husband, but, subsequently, after coming to know about the proceedings initiated by the respondent/husband with false allegations, the petitioner does not intend to settle the matter and re-join with the respondent/husband.

7. However, in a matter of transfer, the paramount consideration is the convenience of the wife. Admittedly, the petitioner/wife has to take care of a 5 months old boy baby and cannot be expected to travel more than 150 kms, both



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ways, for attending the hearings at Family Court.

WEB COPY 8. In view of the above, this Court is of the opinion that the petitioner has made out a good ground for transfer of case.

9. Accordingly, the petition is allowed and HMOP No.621 of 2024 is withdrawn from the file of Family Court, Theni and transferred to Sub Court, Udumalpet.

10. The Family Court, Theni is directed to transfer the entire records relating to HMOP No.621 of 2024 to Sub Court, Udumalpet forthwith.

11. However, in order to balance equity, it is made clear that the Sub Court, Udumlapet shall not insist the physical presence of the respondent/husband on all hearing dates, where it is absolutely necessary. At all the other hearings, the respondent/husband shall be permitted to be represented through counsel.

No costs. Consequently, connected miscellaneous petition is closed.

07.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

P.B.BALAJI.,J.



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To

1. The Family Court, Theni
2. The Sub Court, Udumalpet

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