



TR.CMP.No.481 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B.BALAJI

TR.CMP.No.481 of 2025

and

CMP.No.11379 of 2025

M.Nimmu Monisha

...Petitioner

Vs.

D.Penthin Alex

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw the DOP.No.1208 of 2023, on the file of the Hon'ble Family Court at Coimbatore and transfer the same to the Family Court at Salem.

For Petitioner : M/s.RA.Thejashvini

For Respondent : Mr.M.Mariappan

ORDER

The petitioner/wife seeks transfer of DOP.No.1208 of 2023 pending on the file of the Family Court at Coimbatore to the file of the Family Court at Salem.



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2. Learned counsel for the petitioner/wife submits that, the only grievance of the petitioner is that, she is compelled to travel about 175 Kms to attend the DOP proceedings before the Family Court at Coimbatore, which proceedings has been initiated by the respondent/husband. Hence, the petitioner has filed the present transfer petition.

3. Per contra, the learned counsel for the respondent/husband opposed the present transfer application citing ill health of the respondent's mother and that, if the petitioner's request for transfer is accepted, the respondent's physical presence becomes necessary before the Family Court at Salem.

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

5. In view of the settled proposition that in matrimonial proceedings, whenever the wife seeks transfer, paramount consideration should be that of the convenience of the wife and at the same time, considering the objection raised by the respondent/husband, in order to



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balance equities, this Court while allowing this transfer petition as prayed for, by withdrawing the DOP.No.1208 of 2023 from the file of the Family Court at Coimbatore and transferring the same to the file of the Family Court at Salem, directs the Transferee Court not to insist upon the physical presence of the respondent/husband for all hearing dates and the respondent/husband shall be entitled to engage a learned counsel of his choice to represent him in the aforesaid matter and the respondent/husband shall be required to appear physically, only for his examination in chief and cross, where it would be absolutely necessary.

6. 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



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P.B. BALAJI, J.

skt

To

1. The Family Court, Coimbatore.
2. The Family Court at Salem.

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