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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.487 of 2025

& CMP.No.11556 of 2025

S.Bhavani

... Petitioner

Vs.

S.Sridhar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdrawn HMOP.No.363 of 2024 pending on the file of the Family Court, Thanjavur and to transfer the same to the Subordinate Court, Alandur.

For Petitioner : Mr.J.Enoch Charles

For Respondent : Mr.S.Ranjith

ORDER

The petitioner/wife seeks transfer of the proceedings in HMOP.No.363 of 2024 from the file of the Family Court, Tanjore, to the file of the Subordinate Court, Alandur.



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2. Heard the learned counsel for the parties.

3. The petitioner has expressed serious inconvenience to travel long distances to attend the hearings before the Family Court, Tanjore, where the petitioner is also required to be physically present on all hearing dates. The petitioner admittedly resides in Medavakkam, which comes within the jurisdiction of Chengalpattu District Court.

4. The learned counsel for the respondent would oppose the transfer request stating that the respondent is willing to undertake the travel and stay expenses of the petitioner and the petitioner can appear even through video conferencing, which is now available in the Family Court, Tanjore. He would also state that the petitioner has a good network in and around Chennai and the respondent apprehends threats to his life and security, if he is forced to attend the hearings before the Subordinate Court, Alandur. He would therefore pray for dismissal of the transfer petition.



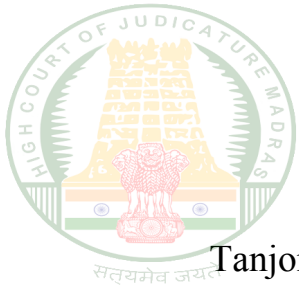
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5.I have carefully considered the submissions advanced by the learned counsel on either side.

6.It is not in dispute that the petitioner resides in Medavakkam and the respondent is evidently running a chit fund business. However, the contention of the learned counsel for the respondent is that he is presently unemployed and he depends on his parents to sustain himself and the business is that of his father only.

7.Be that as it may, as repeatedly held by the Hon'ble Supreme Court as well as this Court, the paramount consideration in a transfer request of matrimonial proceeding, is the convenience of the wife and not the husband. Therefore, accepting the request made by the petitioner, who has made out sufficient ground seeking transfer, I am inclined to accept the request for transfer.

8.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and HMOP.No.363 of 2024 is withdrawn from the file of the Family Court,



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Tanjore, and transferred to the file of the Subordinate Court Alandur. In view of the apprehension of the respondent, the Subordinate Court, Alandur, shall not insist on the physical presence of the respondent/husband on all hearing dates, except where it is absolutely necessary and on all other hearings, the respondent may be represented by his counsel. The Subordinate Court, Alandur, shall expedite trial and dispose of HMOP.No.363 of 2024, on merits and in accordance with law, on or before 31.03.2026. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

25.06.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
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To

- 1.The Family Court, Tanjore.
- 2.The Subordinate Court, Alandur.



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P.B. BALAJI,J.

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