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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.488 of 2025
& CMP.No.11623 of 2025

R.Janagi

... Petitioner

Vs.

Murugan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw HMOP.No.75 of 2024 on the file of the Sub-Court, Polur and transfer to the file of the Sub-Court, Alandur.

For Petitioner : Mr.P.Rathanavel

For Respondent : Mr.N.Ganesh

ORDER

The petitioner, being the wife and facing proceedings for divorce in HMOP.No.75 of 2024 before the Sub-Court, Polur, has come forward with the present request for transfer of the said proceedings to the file of the Sub-Court, Alandur.

2.Heard the learned counsel for the parties.



3.The learned counsel for the petitioner would invite my attention to the MRI scan report dated 01.03.2025, indicating that the petitioner is suffering from spinal cord issues and he would also refer to page No.51 to evidence the physical condition of the petitioner. He would therefore state that it is not possible for the petitioner to travel long distances as it would adversely affect her health condition. He would therefore seeks for transfer of the proceedings from the file of the Sub-Court, Polur, to the file of the Sub-Court, Alandur.

4.Per contra, the learned counsel for the respondent/husband would submit that even from the typed set of papers, it is seen that the petitioner is travelling to Kerala and as late as in March 2025, she has travelled to Kerala for treatment. He would also state that the respondent has given three different addresses and the request for transfer is not bonafide. He would further state that the petitioner, being an Advocate, the respondent apprehends that it would not be in the interest to justice to conduce the case where the petitioner regularly appears, namely in the City of Chennai and suburbs. However, considering the fact that the petitioner has *prima facie* established that undertaking of travel would adversely affect her physical health and considering that the paramount consideration in the matters of



these request for transfer would be the convenience of the wife, I am inclined to accept the request for transfer.

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5. Accordingly, the case in HMOP.No.75 of 2024 is withdrawn from the file of the Sub-Court, Polur, and transferred to the file of the Sub-Court, Tambaram. It is made clear that the Sub-Court, Tambaram, shall not insist on the physical appearance/presence of the respondent/husband on all hearings dates and equally both the petitioner and the respondent are at liberty to engage a counsel to represent them and made them available physically for their examination.

6. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

07.07.2025

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

1. The Sub-Court, Polur.
2. The Sub-Court, Tambaram.

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P.B. BALAJI,J.

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