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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.514 of 2025
& CMP.No.12906 of 2025

S.Induja

... Petitioner

Vs.

E.Saran Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the proceedings in H.M.O.P.No.592 of 2025 pending on the file of III Additional Family Judge, Chennai and transfer the same to the Sub Court, Tenkasi.

For Petitioner : Mr.C.Iyyappa Raj

For Respondent : Mr.E.Narayanan

ORDER

The Transfer Civil Miscellaneous Petition has been filed to withdraw the proceedings in HMOP.No.592 of 2025 pending on the file of III Additional Family Court, Chennai and transfer the same to Sub Court, Tenkasi.



2. The petitioner/wife seeks transfer of HMOP.No.592 of 2025 filed by the respondent, which is pending before the III Additional Family Court, Chennai. The petitioner is a resident of Tenkasi and she has expressed difficulties in travelling to attend the hearings before the III Additional Family Court, Chennai. Hence, this petition.

3. Per contra, the said application is opposed by the respondent/ husband.

4. The learned counsel for the respondent states that the petitioner is not dependent on her parents and also that there are no children from the marriage. Therefore, there is no difficulty for the petitioner to attend the hearings before the III Additional Family Court, Chennai. He further submits that equally it will be difficult for the respondent to travel all the way to Tenkasi, if the HMOP.No.592 of 2025 is transferred to the Sub Court, Tenkasi. He also stated that respondent's father was aged and he has suffered a major accident, and the respondent may not be in a position to leave Chennai, as he has the additional burden of taking care of his father.



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5. Heard the learned counsel on either side.

6. Admittedly, the petitioner/wife resides within the jurisdiction of the courts in Tenkasi. Presently, the matrimonial dispute is pending before the III Additional Family Court, Chennai, where the parties are required to appear in person.

7. Now, the petitioner/wife seeks transfer only to the Sub Court, Tenkasi where the physical presence of the respondent need not be mandatory for all the hearings.

8. In the light of the above, and taking into account the inconvenience expressed by the petitioner/wife, I am inclined to allow the transfer of the HMOP.No.592 of 2025 as prayed for.

9. Considering the above, this Transfer Civil Miscellaneous Petition is allowed. The case in HMOP.No.592 of 2025 is hereby withdrawn from the file of the III Additional Family Court, Chennai and transferred to the file of Sub-Court, Tenkasi. The Sub-Court, Tenkasi shall not insist on the



physical presence of the respondent/husband on all hearing dates, except where it is absolutely necessary. The respondent/husband is entitled to engage a counsel of his choice to be represented before the Sub-Court, Tenkasi. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

02.07.2025

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

- 1.The III Additional Family Judge, Chennai.
2. The Sub Court, Tenkasi.



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P.B. BALAJI,J.

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