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TR CMP No. 538 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

TR CMP No. 538 of 2025

and

CMP.No.13288 of 2025

1. V.Meenakshi

Flat SD, Block-1, Jain Alpine Meadows,
Tirneermalai Road, Chrompet, Chennai
044

Petitioner

Vs

1. R.Viswanathan,

No. 43/29A, Viswanathapuram Main
Road, Kodambakkam, Chennai 24

Respondent

PRAYER

The transfer civil miscellaneous petition is filed praying to withdraw the above said HMOP No. 1714 of 2025 on the file of 5th Additional Family Court, Chennai and transfer the same to the file of Sub Court, Alandur.

For Petitioner : Mr.S.Sai Shankar

For Respondent : M/s.S.Benazir



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ORDER

The petitioner is the wife, who is facing divorce proceedings in HMOP No.1714 of 2025 on the file of the V Additional Family Court, Chennai. The petitioner states that she is unable to attend the hearings before the Family Court due to her employment with the State Bank of India. It is further submitted that, during the pendency of the proceedings, the petitioner has been transferred to Coimbatore, making it difficult for her to attend each hearing. Hence, she seeks transfer of the HMOP filed by the respondent to the file of the Sub Court, Alandur, where the physical presence of the parties is not required at every hearing.

2.Per contra, the respondent/husband contends that the petitioner has already been set ex parte, and that an application to set aside the ex parte order is pending. She further submits that the petitioner has made false averments in the affidavit filed in support of this transfer CMP, alleging that the Family Court refused to receive the vakalatnama from her counsel. The respondent, who is 61 years old, also states that it would be difficult for him to travel to the Sub Court,

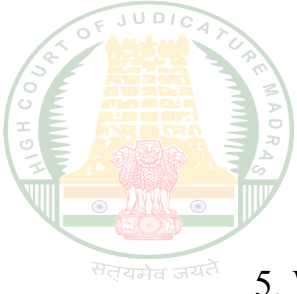


Alandur, to attend every hearing.

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3. In view of the practical difficulties expressed by both parties and considering that this Court as well as the ratio laid down by the Hon'ble Supreme Court, repeatedly holding that the convenience of the wife is of paramount importance in matrimonial proceedings, this Court is inclined to allow the transfer. Accordingly, HMOP No.1714 of 2025 on the file of the V Additional Family Court, Chennai, is ordered to be transferred to the file of the Sub Court, Alandur.

4. It is made clear that the learned Sub Judge, Alandur, shall not insist upon the physical presence of the respondent/husband on every hearing date, except where it is absolutely necessary. The application to set aside the ex parte order shall be heard and disposed of on its own merits by the Sub Court, Alandur, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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5. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

08-07-2025

Jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



TR CMP No. 538 of 2025



To

1. The Sub Judge, Alandur,
2. The V Additional Family Court, Chennai

3. R. Viswanathan,
No. 43/29A, Viswanathapuram Main
Road, Kodambakkam, Chennai 24



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P.B.BALAJI J.

jrs

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