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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.599 of 2025 and

CMP.No.14612 of 2025

Devi @ Abi Srutiram

... Petitioner

Vs.

1.P.Anbarasan

2.Sarath Kumar

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the HMOP.No.438 of 2018 on the file of Sub Court, Tambaram to the file of the Family Court, Chennai.

For Petitioner : Mr.K.Selvaraj

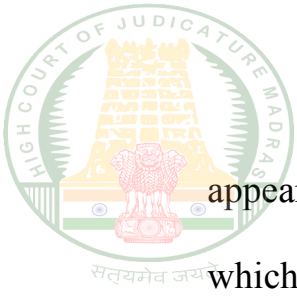
For Respondents : Mr.G.Murugendran

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner seeks the transfer of HMOP.No.438 of 2018, pending before the Sub Court, Tambaram.

3. As rightly contended by the learned counsel for the respondent, it



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appears to be some misunderstanding between the petitioner and his counsel, which cannot be a ground for seeking the transfer of the proceedings to a different court. Though the petitioner has vaguely stated that she would not get justice before the court at Tambaram, the said apprehensions are vague and not substantiated by any reason, even in the affidavit. Therefore, I do not find any merits in seeking the transfer of the HMOP proceedings.

4. The learned counsel for the respondent would invite my attention to the fact that the OP has been pending since 2018, and earlier proceedings were initiated in 2011, and hence, he seeks an expeditious disposal of HMOP.No.438 of 2018.

5. The grievance of the petitioner is that the counsel engaged by her is refusing to give a change of vakalat. The law contemplates a procedure in such matters to enable the litigant to get back the papers, and without resorting to the same, the petitioner cannot approach this Court on that ground and seek a transfer.

6. Learned counsel for the petitioner states that the petitioner has



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requested for change of vakalat to be given. It is also brought to my notice that the petitioner herself is an advocate and therefore suitable directions may be given permitting the petitioner to either appear in person or engage a counsel without the Court insisting for change of vakalat. The said request appears to be reasonable. Hence, the petitioner is permitted to appear in person or engage a counsel of her choice, in the HMOP.No.438 of 2018 before the Sub Court, Tambaram, in the event of the counsel on record not coming forward to give a change of vakalat. This concession is being shown only because the proceedings are matrimonial in nature.

7. In view of the above, the Sub Court, Tambaram, shall expedite the hearing of HMOP and dispose of the same within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

25.07.2025

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

1. The Sub Court, Tambaram.

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2. The Family Court, Chennai.

3. The Section Officer,
V.R.Section,
High Court, Madras.

P.B. BALAJI,J.

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