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Tr.CMP.No.639 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

Tr.CMP.No.639 of 2025
and
CMP.Nos.15460 & 15462 of 2025

Vijaya Swathi

...Petitioner

Vs.

Deepak.K

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24(1)(b) of Code of Civil Procedure to withdraw HMOP.No.1105 of 2025 on the file of the learned V Additional Family Court at Chennai and transfer the same to the learned Sub Court at Karaikudi.

For Petitioner : M/s.E.Gomathi

For Respondent : Mr.C.Senthil Nathan

ORDER

The petitioner/wife seeks transfer of HMOP.No.1105 of 2025 pending on the file of the V Additional Family Court, Chennai to the file of the Sub Court, Karaikudi.



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2. Learned counsel for the petitioner/wife states that, she is residing at Karaikudi and she also has an additional duty of taking care of her two and a half year old child. Therefore, the petitioner/wife expresses genuine inconvenience to attend the HMOP proceedings before the Family Court, Chennai. Further, the petitioner only seeks transfer of the HMOP proceedings to the file of the Sub Court, Karaikudi, where the presence of the respondent/husband is also not mandatory for every hearing dates and therefore, no prejudice would be caused to the respondent/husband if the present transfer application is allowed and the HMOP proceedings is transferred to the file of the Sub Court, Karaikudi. Accordingly, she prayed for appropriate orders.

3. Per contra, the learned counsel for the respondent/husband states that, the respondent/husband is employed in TCS and if he takes frequent leave to attend the proceedings before the Sub Court, Karaikudi, he may even risk his job. Further, the learned counsel for the respondent relied upon the decision of this Court in the case of ***G.Shrilakshmi Vs. Anirudh Ramkumar*** (CRP.Nos.1994 & 89 of 2024 dated 18.10.2024) reported in ***2024 (6) CTC 23***, where this Court has recorded that there is an option of parties appearing through Video Conferencing Mode and therefore,



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direction was issued to the Registry of the Family Court to ensure speedy disposal of the mutual consent divorce proceedings.

4. I have heard the learned counsel on either side and I have also gone through the affidavit filed in support of this transfer petition.

5. Though the learned counsel relied upon the decision of this Court in the case of **G.Shrilakshmi** (*stated supra*) reported in **2024 (6) CTC 23**, the said decision of this Court is not applicable to the facts of the present case. Firstly, it was a case where mutual consent divorce was sought for and a Power of Attorney was appointed for instituting the divorce proceedings and in that context, this Court held that the parties to the matrimonial proceedings who were employed in foreign countries could be allowed to appear through Video conferencing system.

6. In any event, the said decision having not been rendered in the context of a transfer CMP, I do not find the said decision applicable to the present case in hand.



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7. Further, the petitioner only seeks transfer of the HMOP proceedings to the file of the Sub Court, Karaikudi, where the respondent/husband is not required to attend the proceedings physically and he can be represented by a counsel of his choice, except during trial, when his physical presence would become necessary.

8. Hence, I am satisfied that the petitioner has made out case for transfer as prayed for. Accordingly, the case in HMOP.No.1105 of 2025 is hereby withdrawn from the file of the V Additional Family Court, Chennai and transferred to the file of the Sub Court, Karaikudi. The Transferee Court shall not insist on the physical presence of the respondent/husband for all hearings, except where it would be absolutely necessary.

9. At this juncture, it is also brought to my notice that though the prayer has been sought for transfer of the HMOP proceedings to the Sub Court, Karaikudi, the Family Court matters being are taken up by Sub Court, Devakottai.



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10. In the light of the above, the case in HMOP.No.1105 of 2025

is hereby withdrawn from the file of the V Additional Family Court, Chennai and transferred to the file of the Sub Court, Devakottai, instead of Sub Court, Karaikudi.

11. If the Video Conferencing mode facility is available in Sub Court, Devakottai, the respondent/husband is at liberty to avail the same.

12. With the above observations and directions, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

30.07.2025

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Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

1. The V Additional Family Court,
Chennai.
2. The Sub Court,
Devakottai.



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P.B.BALAJI, J.

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