



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

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Tr.CMP.No.1033 of 2024
& CMP.Nos.22544 & 22547 of 2024

S.Janani

... Petitioner

Vs.

K.Kannan @ Mohan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw HMOP.No.191 of 2023 pending on the file of the Subordinate Judge, Poonamallee and transfer the same to the file of the Family Court, Karaikal.

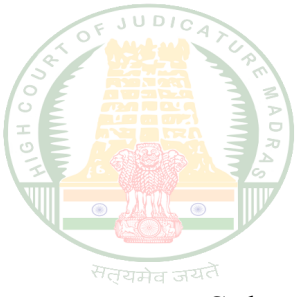
For Petitioner : Mr.E.Anbarasan

For Respondent : Mr.K.Bommuraj

ORDER

The Transfer Civil Miscellaneous Petition has been filed to transfer the proceedings in HMOP.No.191 of 2023 from the file of the learned Subordinate Judge, Poonamallee to the file of the Family Court, Karaikal.

2.Heard the learned counsel on either side.



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3.The wife, respondent in HMOP.No.191 of 2023 before the Subordinate Judge, Poonamallee, has sought for transfer of the said proceedings initiated by the husband/respondent to the file of the Family Court at Karaikal.

4.The learned counsel for the petitioner states that the distance between Karaikal and Poonamallee, is roughly 300 kms and the petitioner has to take care of her 4 year old child as well, who is suffering from health ailments and it would not be possible for the petitioner to attend the hearings, especially the trial of the OP before the Subordinate Judge, Poonamallee. The transfer is requested on these grounds.

5.The learned counsel for the respondent/husband would state that the petitioner/wife has not appeared before the Subordinate Court and has only been represented by a counsel. He also states that the respondent is willing to bear the cost of travel of the petitioner from Karaikal to Poonamallee and he therefore seeks for dismissal of the transfer petition.

6.I have carefully considered the submissions advanced by the learned



counsel on either side.

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7.The petitioner is residing in Karaikal and the same is not disputed. It is also not in dispute that the petitioner has to take care of her 4 year old child and she has also stated that the petitioner's parents are aged and they are not in a position to even accompany the petitioner to attend the hearings at Poonamallee.

8.As repeatedly held by the Hon'ble Supreme Court as well as this Court, the paramount consideration in such matters requesting transfer should be the convenience of the wife. Therefore, accepting the reasons that have been assigned for transfer, I am inclined to entertain the transfer petition.

9.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the case in HMOP.No.191 of 2023 is withdrawn from the file of the Subordinate Judge, Poonamallee and transferred to the file of the Family Court, Karaikal. At the same time, the interest of the respondent/husband should also be taken care of and considering the same, while allowing the transfer petition, directions are issued to the Family Court, Karaikal to not



insist on the physical presence of the respondent/husband on all hearing dates, except where it is absolutely necessary for the purpose of his examination. There shall be no order as to costs. Connected Civil

Miscellaneous Petitions are closed.

24.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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To

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1. The Subordinate Judge, Poonamallee.
2. The Family Court, Karaikal.



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P.B. BALAJI,J.

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