



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.6 of 2025

& CMP.No.282 of 2025

V.Archana

... Petitioner

Vs.

S.Elango

... Respondent

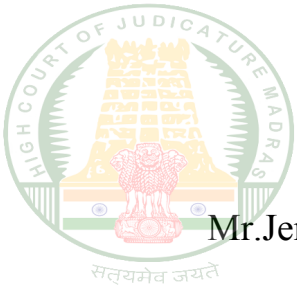
Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw HMOP.No.6 of 2024 pending on the file of the Subordinate Judge, Tiruthani and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.M.Rajasekar

For Respondent : Mr.Jeremiah Gregory John

ORDER

This transfer petition has been filed to withdraw HMOP.No.6 of 2024 pending on the file of the Subordinate Judge, Tiruthani and transfer the same to the file of the Family Court, Chennai.



2.Heard Mr.M.Rajasekar, learned counsel for the petitioner and Mr.Jeremiah Gregory John, learned counsel for the respondent.

WEB COPY

3.The petitioner/wife seeks transfer of the proceedings in HMOP.No.6 of 2024 on the file of the Sub-Court, Tiruthani, which has been initiated by the respondent/husband.

4.It is further case of the learned counsel for the petitioner that pending this proceedings, the wife has also filed maintenance claim in M.C.No.368 of 2025, which is now taken on file by the III Additional Family Court, Chennai. It is the further contention of the petitioner that though her parents reside at Thirunindravur and children are also presently studying there, the petitioner/wife is taking steps to get admission for the children in the city of Chennai. It is the further contention of the petitioner that she permanently resides now only at Chennai at No.2/21, 1st Reddy Street, Ekkattuthangal, Chennai, in support of which, an unregistered lease agreement also produced.

5.However, the learned counsel for the respondent would vehemently oppose the request of transfer, stating that the petitioner has chosen to file



the domestic violence complaint only before the Judicial Magistrate, Tiruvallur and therefore, the proceedings, if at all should transferred from the file of the Sub-Court, Tiruthani, should be transferred to Tiruvallur, where the wife herself has chosen the jurisdiction of the Court for initiating domestic violence complaint. He would further state that even as late as 10.02.2025 and 24.02.2025, the petitioner while addressing communications to the officers under the Domestic Violence Act, has chosen to only give the Thirunindravur address and not the Chennai address. He would further attack the genuineness of the lease agreement and contend that the lease agreement is unregistered and also insufficiently stamped and the same cannot be looked into.

6.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the counter affidavit as well as the reply affidavit filed in the present proceedings.

7.Be that as it may, now the petitioner admittedly moved M.C.No.368 of 2025, seeking maintenance and the same has been taken on file before the III Additional Family Court, Chennai and the said proceedings will have to be attended to by the respondent and in view of the averments expressing



inconvenience for attending the proceedings before the Sub Court, Thiruthani, I do not see any serious prejudice caused to the respondent, if the transfer petition is ordered as prayed for.

WEB COPY

8.Though it is rightly contended by the learned counsel for the respondent that even the DVC proceedings are only before the Tiruvallur Court and it has been voluntarily filed by the petitioner herself. The learned counsel for the petitioner states that steps have been taken to transfer the said proceedings as well since the wife has now moved to Chennai and resides here permanently.

9.In view of the above and in order to balance equities, the following order is passed:

(i) The Tr.CMP.No.6 of 2025 is allowed and the case in HMOP.No.6 of 2024 is withdrawn from the file of the Sub-Court, Tiruthani and transferred to the file of the III Additional Family Court, Chennai, to be jointly taken up and tried with M.C.No.368 of 2025.

(ii) The III Additional Family Court, Chennai, shall not insist on the physical presence of the respondent/husband on all hearing dates and he shall be permitted to engage a counsel to represent him.



(iii) The respondent's presence shall be required only at the time of his examination in chief and cross and not for all hearings.

WEB COPY (iv) There shall be no order as to costs. Connected Civil

Miscellaneous Petition is closed.

05.08.2025

ata

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

To

1.The Sub-Court, Thiruthani.

2.The III Additional Family Court, Chennai.



WEB COPY



P.B. BALAJI,J.

ata

Tr.CMP.No.6 of 2025
& CMP.No.282 of 2025

05.08.2025