



Tr.C.M.P.No.5 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

Tr.C.M.P.No.5 of 2025 and C.M.P.No.261 of 2025

Mrs.Abhinaya

.... Petitioner

VS

V.Dinesh Kuamr

... Respondent

Tr.Civil Revision Petition filed under Section 24 of Civil Procedure Code seeking to withdraw H.M.O.P.No.2419 of 2024, pending on the file of II Additional Family Court, Chennai and transfer the same to the file of Family Court, Coimbatore.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.M.R.Thangavel

ORDER

The petitioner/wife, who has initiated HMOP No.2419 of 2024 before II Additional Family Court, Chennai for dissolution of the marriage with the respondent/husband, has filed the present petition seeking transfer of HMOP No.2419 of 2024 to Family Court, Coimbatore.



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2. The petitioner states that at that point of time, the petitioner was residing within the jurisdiction of Family Court, Chennai and hence HMOP was filed before Additional Family Court, Chennai. However, according to the petitioner, subsequently, as a result of the continuous harassment by the respondent/husband, she was forced to shift her residence to Coimbatore and she is residing at Coimbatore and looking for a job at Coimbatore and therefore, seeks transfer of HMOP No.2419 of 2024 from Family Court, Chennai to Family Court, Coimbatore.

3. The respondent/husband vehemently denied the averments set out in the transfer petition and the arguments advanced by the learned counsel for the petitioner/wife. According to the learned counsel for the respondent/husband, the petitioner/wife left the matrimonial home without informing the family members and it is only the respondent's father who is taking care of the children and the petitioner/wife has not even bothered to seek even visitation rights. Learned counsel further states that HMOP No.2419 of 2024 has been filed before the Family Court, Chennai based on fictitious address and the petitioner herself appeared before Police authorities



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pursuant to the First Information Report lodged by the respondent in FIR No.451 of 2024, wherein, the petitioner/wife has admitted that she never resided in the address furnished in HMOP No.2419 of 2024. Learned counsel for the respondent further states that it would be very inconvenient for the respondent/husband to attend the hearing at Family Court, Coimabtoire since he has to take care of his aged mother and two children.

4. I have considered the submissions made by the learned counsel on either side and gone through the affidavit filed in support of the petition.

5. It is not in dispute that the petitioner/wife stating that she resides at Adyar, filed HMOP No.2419 of 2024 before the Family Court, Chennai and the Family Court has entertained the said request and the HMOP is pending before Principal Family Court, Chennai. The respondent/husband has also entered appearance. Now the petitioner states that she has shifted her residence to Coimabtoire and therefore, she is unable to attend the hearings at Chennai and also the petitioner apprehends that the respondent/husband may use his influence and harass her. The petitioner has also stated that she has financial issues to travel from Coimbatore to Chennai to attend the hearings

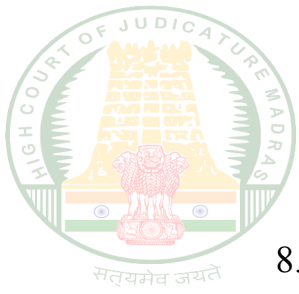


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and the respondent/husband would not be prejudiced if the proceedings are transferred from Chennai to Coimbatore.

6. I am able to see that the petitioner has also entered into a Lease Agreement in respect of a residential property where she has been inducted as tenant and has also filed the Lease Agreement dated 12.10.2024. It is therefore, prima-facie evident that the petitioner has shifted her residence to Coimbatore and resides at Sukra Majesticka Grande, 3B1, Ward 14, Block No.10, Vasantham Nagar, Amman Kovil street, Venkittapuram, Telungupalayam, Coimbatore-641013. I am also able to notice that even in Crl.O.P.No.5394 of 2025, which is filed by the petitioner/wife and two others, the address that has been furnished is only Coimbatore address which is correlating to the address in the lease agreement. In fact, Crl.O.P.No.5394 of 2025 ended in compromise and this Court recorded the compromise and also passed orders on 03.03.2025.

7. In view of the above, this Court is of the opinion that the petitioner has made out a case for transfer, as prayed for and at the same time the interest of the respondent/husband also needs to be protected.



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8. Accordingly, Tr.C.M.P.No.5 of 2025 is allowed and HMOP No.2419 of 2024 pending on the file of II Additional Family Court, Chennai is withdrawn and the same is transferred to Family Court, Coimbatore

9. The II Additional Family Court, Chennai is directed to send the entire records relating to HMOP No.2419 of 2024 to Family Court, Coimbatore forthwith.

10 . However, considering the fact that the petitioner/wife has voluntarily filed HMOP No.2419 of 2024 before Family Court, Chennai and now seeks transfer to Family Court, Coimbatore, it is made clear that the Family Court, Coimbatore shall not insist on the physical presence of the respondent/husband on all hearing dates, unless where it is absolutely necessary.

No costs. Consequently, connected miscellaneous petition is closed.

18.06.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-Speaking Order

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P.B.BALAJI.,J.

sr

To

1. The II Additional Family Court, Chennai
2. the Family Court, Coimabtoire

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