



Tr.C.M.P. No.72 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

Coram

THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P. No.72 of 2024 &
C.M.P.No.1785 of 2024

R.Jayasri

... Petitioner

-Versus-

J.Roys

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure, to transfer the case filed in I.D.O.P.No.1726 of 2023 pending on the file of the III Additional Family Court, Chennai to the Additional District Judge (PCR), Tiruchirapalli, to be tried along with I.D.O.P.No.370 of 2023.

For the Petitioner : Ms.Abitha Banu

For the Respondent : Served – No appearance

ORDER

The petitioner is the wife. She married the respondent on 04.12.2018. From the wedlock on 20.12.2021, a girl was born to them. Due to disputes and differences, the parties have separated. The wife has initiated I.D.O.P.No.370 of 2023 on the file of the Court of 1st Additional District Judge,



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Tiruchirapalli. The respondent has initiated I.D.O.P.No.1726 of 2023 for restitution of conjugal rights.

2. The petitioner pleads that being a permanent resident of Tiruchirapalli, she is unable to travel to Chennai along with a 2 ½ year old child.

3. Notice was ordered in this application on 14.02.2024. Summons have been served on the husband. He has neither appeared in person nor he has represented through a counsel.

4. Tiruchirapalli to Chennai is of considerable distance of nearly 300 kms. There is a child from the marriage, who is aged about 2 ½ years now. It would be impossible for the wife to leave the child at Tiruchirapalli and to travel to Chennai to attend the hearing of the case initiated by the husband. To travel this distance along with a child has its own problems. Apart from that there is a possibility of conflict of Judgments, if the proceedings were continued independently.

5. Therefore, taking into consideration, the convenience and over all circumstances, I am inclined to withdraw I.D.O.P.No.1726 of 2023 pending on



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the file of the III Additional Family Court, Chennai and transfer the same to the file of the Court of Additional District Judge (PCR), Tiruchirapalli, to be tried and disposed of along with I.D.O.P.No.370 of 2023.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

30.08.2024

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Index : yes / no
Internet : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order

To

1.The III Additional Family Judge
Family Court, Chennai.

2. The Additional District Judge (PCR)
Tiruchirapalli,

V.LAKSHMINARAYANAN, J.

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