



WEB COPY



Tr.CMP.No.678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2024

CORAM

THE HON'BLE **MR.JUSTICE V.LAKSHMINARAYANAN**

Tr.CMP.No.678 of 2024
and CMP No.14616 of 2024

Mrs.D.Shiloh Annies

... Petitioner

Vs.

Mr.F.Sunny Josuva

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw and transfer the case in I.D.O.P.No.27 of 2024, pending on the file of the learned Principal District Judge at Coimbatore to the Sub Court at Ambattur.

For Petitioner

:Mr.P.Venkatesan

For Respondent

: Ms.S.Rithika

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for transfer of IDOP No.27 of 2024 pending on the file of the Principal District Judge at Coimbatore to Sub Court at Ambattur.



Tr.CMP.No.678 of 2024

and the respondent was solemnised on 24.08.2021 at Chennai. Due to disputes and differences, the parties have separated. The husband has initiated proceedings for restitution of conjugal rights before the District Court at Coimbatore in IDOP No.27 of 2024. The wife pleads that she is a resident of Puzhal and is unable to travel to Coimbatore to defend the said proceedings. Hence, the transfer.

3. Notice was ordered to the respondent in the transfer petition on 18.07.2024 and Mr.M.Vijaya Ragavan has entered appearance for the respondent.

4. I heard Mr.P.Venkatesan, for the petitioner and Ms.S.Rithika, for the respondent.

5. The relationship between the parties is not in dispute. In addition, the wife is taking care of a two year child, who was born from the wedlock. The wife pleads that the husband is working in Bangalore, but, has initiated proceedings at Coimbatore. She is not in a position to travel. Hence, she seeks for transfer of the proceedings to Subordinate Court at Ambattur.



Tr.CMP.No.678 of 2024

WEB COPY

6. A Subordinate Court does not possess the necessary jurisdiction to try the proceeding under the Indian Divorce Act, 1869. Hence, taking into consideration the convenience of the wife, IDOP No.27 of 2024, is withdrawn from the file of the learned Principal District Judge, Coimbatore and transferred to the file of the learned Principal District Judge at Thiruvallur. It is made clear that the Principal District Judge, Thiruvallur, need not insist upon the respondent to appear for every hearing except for essential hearings. The respondent shall be present only for such hearings when his appearance is indispensable. For all other hearings, the respondent shall be represented by a counsel.

7. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.09.2024

Speaking / Non Speaking order
Index : Yes / No
Neutral Citation: Yes/No
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Tr.CMP.No.678 of 2024

To

WEB COPY

1. The Principal District Judge,
Coimbatore.

2. The Sub Judge,
Ambattur.



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V.LAKSHMINARAYANAN, J.

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