



Tr.C.M.P. No. 767 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 767 of 2024

and

C.M.P. No. 16712 of 2024

S.Esai Selvi

... Petitioner / Respondent

Vs.

B.Samselvaraj

... Respondent / Petitioner

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw I.D.O.P. No. 78 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur and transfer the same to the Family Court at Chennai.

For Petitioner : Mr. S.Kasirajan

For Respondent : Mr. K.S.Govinda Prasad

ORDER

The petitioner is the wife. She seeks for transfer of I.D.O.P. No. 78 of 2024 on the file of the Principal District and Sessions Court at Tiruvallur to the file of the Family Court at Chennai.



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2. The petitioner married the respondent on 15.11.2021 at Eternal Grace AG Church, Thalavaipuram, Tirunelveli District. Due to disputes and differences, the parties have separated. From the wedlock, a child was born on 09.12.2022. The husband has initiated I.D.O.P. No. 78 of 2024 for divorce as stated above. The petitioner pleads she is unable to travel from Chennai to Tiruvallur due to her health condition. Hence, she pleads for transfer.

3. Notice was ordered in the application on 08.08.2024. Mr. K.S.Govinda Prasad has entered appearance for the respondent. He would stiffly oppose the application stating that the matrimonial home had been set up in Tiruvallur and therefore that Court would have the jurisdiction to try proceedings.

4. Taking into consideration the inconvenience of the wife as she would plead physical inability to travel the distance between Tiruvallur and Chennai, I am inclined to accept the transfer petition. Accordingly, I.D.O.P. No. 78 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur is withdrawn and transferred to the file of the Family Court at Chennai.

5. The Family Court at Chennai will not insist on the appearance of the



Tr.C.M.P. No. 767 of 2024

husband for every hearing. He shall, however, appear when his appearance is essential or when so directed by the Family Court. On the other hearings, he may be represented through a counsel.

6. In the result, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

06.09.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

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To

1. The Principal District and Sessions Court, Tiruvallur.
2. The Family Court at Chennai.



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Tr.C.M.P. No. 767 of 2024

V.LAKSHMINARAYANAN, J.,

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