



WEB COPY



Tr.CMP No.1031 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.1031 of 2023
and C.M.P.No.24956 of 2023

C.Jenusha

.... Petitioner

-Vs-

G.Vincent Edwin Raj

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw the IDOP No.260 of 2023 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Thoothukudi.

For Petitioner : Mr.Arfat Mohammed

For Respondent : Mr.T.Easwara Dhas

ORDER

The petitioner is the wife. She married the respondent on 26.01.2023 at Thoothukudi. From the wedlock, a girl child was born on 22.11.2023. Within a few months thereafter, the parties developed differences and the husband initiated I.D.O.P.No.260 of 2023 invoking Sections 18 and 19 of the Indian Divorce Act of 1869.



Tr.CMP No.1031 of 2023

2. The wife, being a permanent resident of Kumaragiri in Thoothukudi District, pleading that as she is pregnant and unable to travel from Thoothukudi to Chengalpattu, has moved the present transfer petition.

3. This transfer petition was entertained on 02.11.2023 and notice was ordered in the said application.

4. Mr.Easwara Dhas entered appearance for the respondent. He pleads that the respondent husband has no objection for the proceedings being withdrawn from the file of the Family Court at Chengalpattu and sent to the Family Court at Thoothukudi.

5. Apart from this no objection tendered by the learned counsel for the respondent, I notice that the petitioner wife is nursing a child which is less than even a year old. It will be very difficult for her to travel a distance of nearly 600 Kms from Thoothukudi to Chengalpattu to attend the proceedings. The husband faces no such constraints.

6. Taking into consideration the no objection given by the husband as well as the inconvenience that will be caused to the wife who is tending to an infant, I am inclined to accept the transfer. Accordingly, I.D.O.P.No.260 of 2023 pending on the file of the Family Court at Chengalpattu is withdrawn and transferred to the file of the Family Court at Thoothukudi. The respondent husband is said to be a Chartered



Tr.CMP No.1031 of 2023

Accountant. The learned Family Judge need not insist on the appearance of the respondent husband for every hearing. He shall be present for the hearings where his presence is indispensable and for all other procedural hearings, he will be represented by way of a counsel.

7. The Transfer C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

- 1.The Family Court, Chengalpattu.
- 2.The Family Court, Thoothukudi.



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V. LAKSHMINARAYANAN, J.

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