



Tr.C.M.P.No.68 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.68 of 2024
& C.M.P.No.1569 of 2024

G.Rekha @ Rebekah

.. Petitioner

Vs

S.Raja @ Christopur

.. Respondent

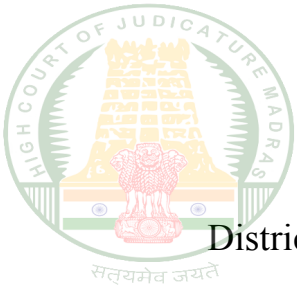
Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in I.D.O.P.No.373 of 2023 pending on the file of the learned District Judge at Thiruvallur and transfer the same to the file of the learned Subordinate Judge at Ambattur.

For Petitioner : Mr.Periaswamy I.

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of I.D.O.P.No.373 of 2023 from the file of the learned



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District Judge at Thiruvallur and transfer the same to the file of the
learned Subordinate Judge at Ambattur.

2. I heard Mr.I.Periyaswamy for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 04.11.2005. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in I.D.O.P.No.373 of 2023 for divorce before the learned District Judge at Thiruvallur. Pleading that the wife is residing in Ambattur and unable to travel from Ambattur to Thiruvallur, she has moved this transfer petition.



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5. This Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Ambattur and Thiruvallur is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

6. Accordingly, I.D.O.P.No.373 of 2023 is withdrawn from the file of the learned District Judge at Thiruvallur and transferred to the file of the learned Subordinate Judge at Ambattur.

7. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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V. LAKSHMINARAYANAN,J.

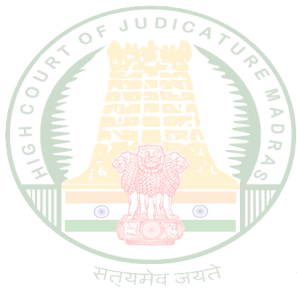
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To

- 1.The District Judge at Thiruvallur.
- 2.The Subordinate Judge at Ambattur.

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& C.M.P.No.1569 of 2024

24.01.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

TR.C.M.P.No.68 of 2024

G.Rekha @ Rebekah

... Petitioner/Respondent

Vs.

S.Raja @ Christopur

... Respondent/Petitioner

For Petitioner : Mr.I.Periaswamy

For Respondent : No appearance

ORDER

By order dated 24.01.2025, I withdrew I.D.O.P.No.373 of 2023 from the file of the learned District Judge at Thiruvallur and transferred it to the file of the learned Subordinate Judge at Ambattur. It was later pointed out by the learned District Judge at Thiruvallur that the learned Subordinate Judge at Ambattur, has no jurisdiction to deal with the proceeding. Hence, I posted the matter “for being mentioned” today.



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WEB COPY 2. I have heard Mr.I.Periaswamy for the petitioner. Even though the respondent was served, he has not entered appearance in the transfer Civil Miscellaneous Petition.

3. In terms of the Indian Divorce Act, 1869, it is only the District Court which will have the jurisdiction to try the proceedings. Mr.I.Periaswamy pleads that the proceedings may be transferred from the file of the learned District Judge at Thiruvallur, to the file of the Family Court at Chennai. He pleads so since the petitioner is working in Chennai.

4. Taking into consideration the plea of Mr.I.Periaswamy as well as the convenience of the petitioner/wife, paragraph No.6 of the order dated 24.01.2025 shall be read as follows:-

“Accordingly, I.D.O.P.No.373 of 2023 is withdrawn from the file of the learned District Judge at Thiruvallur and transferred to the file of the Family Court at Chennai.”



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WEB COPY 5. The other portion of the order dated 24.01.2025 shall remain as they are.

01.08.2025

Index: Yes / No
Speaking Order : Yes / No
Neutral Citation: Yes / No
ssb

To
1.The District Court, Thiruvallur.
2.The Family Court, Chennai.



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V.LAKSHMINARAYANAN, J.

ssb

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01.08.2025