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Tr CMP.No.136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.136 of 2024 &
CMP.No.2781 of 2024

M.Bensola : Petitioner

versus

Bibin Selvaraj Rennam : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw IDOP.No.364 of 2023 on the file of the Principal District Court at Thiruvallur and to transfer the same to the Sub Court at Alandur.

For Petitioner : Mr.M.Selvakumar

For Respondent : No appearance

ORDER

This transfer seeks withdrawal of the IDOP.NO.364 of 2023 from the file of the Principal District Court at Tiruvallur and transfer the same to the file of the Sub Court, Alandur.



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2. I heard the counsel for the 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 20.08.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in IDOP.No.364 of 2023 for divorce before the learned Principal District Judge at Tiruvallur. Pleading that she is residing in Chennai and unable to travel from Chennai to Tiruvallur, the wife has moved this transfer petition.

5. This Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior



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consideration than that of the husband. As the distance between Chennai and Tiruvallur is considerable, I am inclined to accept the transfer.

6. The prayer is for transfer of the proceedings to the Sub Court, Alandur. The Sub Court at Alandur does not possess jurisdiction to deal with IDOP cases. Consequently, the IDOP.No.364 of 2023 is withdrawn from the file of the Principal District Court, Tiruvallur and is transferred to the file of the Principal Family Court at Chennai.

7. The Principal Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

8. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

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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 Principal Family Judge, Principal Family Court, Chennai
- 2.The Principal District Judge, Principal District Court at Thiruvallur

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