



Tr.CMP.No.235 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.235 of 2024
and CMP.No.4729 of 2024

Neelambari

... Petitioner

vs.

T.Thileepan

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the GWOP.No.273 of 2023 on the file of the Hon'ble Family Court, Tiruchirapalli and to transfer the same to the file of the Hon'ble Sub-Court at Ambattur.

For Petitioner : M/s.A.Lakshmi Rajarathnam

For Respondent : Mrs.P.Uma for respondent

ORDER

The petitioner / wife filed this petition to withdraw GWOP.No.273 of 2023 on the file of the Family Court, Tiruchirapalli and to transfer the same to the file of the Sub-Court at Ambattur.



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2. Heard both sides and perused the materials on record.

3. It is stated in the affidavit that the marriage between the petitioner/wife and the respondent / husband was solemnized on 14.11.2018 and out of wedlock, one male child was born, namely Master Subiksum on 14.10.2019. The respondent / husband filed a petition under Guardian and Wards Act for custody of the child in GWOP.No.273 of 2023 and also HMOP.No.274 of 2023 seeking divorce and both the cases are pending on the file of the Family Court, Tiruchirapalli. The petitioner/wife has filed HMOP.No.1193 of 2023 on the file of the Sub-Court, Ambattur for restitution of conjugal rights and the same is pending.

4. The learned counsel appearing for the petitioner would submit that the petitioner is dependant on the income of her parents to meet out her day to-day expenses and therefore, she cannot offer to travel to Trichy to attend the hearings at the Family Court at Tiruchirappalli.



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5. *Per contra*, learned counsel appearing for the respondent/husband would submit that the petitioner/wife has sufficient means to lead her life and also she can afford to travel for every hearings to the Family Court at Tiruchirappalli and if the case is transferred to the Sub-Court at Ambattur, he would be put to irreparable loss and hardship.

6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. The purpose of Section 24 CPC is merely to confer on the Court a discretionary power. A Court acting under Section 24 CPC may or may not in its judicial discretion transfer a particular case. Section 24 does not prescribe any ground for ordering the transfer of a case. In certain cases it may be ordered suo motu and it may be done for administrative reasons. But when an application for transfer is made by a party, the Court is required to issue notice to the other side and hear the party before directing transfer. To put it differently, the Court must act judicially in ordering a transfer on the application of a party ***[Jitendra Singh v. Bhanu Kumari & Ors. Reported in 2009 (1) SCC 130]***.



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7. Section 4-A (1) of the Guardians and Wards Act, 1890 clearly says that the High Court may, by general, or special order, empower any officer exercising original civil jurisdiction subordinate to a District Court, or authorise the Judge of any District Court to empower any such officer subordinate to him, to dispose of any proceedings under this Act transferred to such officer under the provisions of this Section.

8. Considering the facts and circumstances of the case and keeping in mind the ratio laid down by the Hon'ble Apex Court in the above cited decision and also Section 4-A of the Guardians and Wards At, 1890, this Court is of the view that no prejudice would be caused to the respondent / husband if the case in GWOP.No.273 of 2023 is withdrawn from the file of the Family Court at Tiruchirapalli and transferred to the file of the Additional District Court at Poonamallee.

9. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the case in GWOP.No.273 of 2023 on the file of the Family Court, Trichirappalli



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is withdrawn and transferred to the file of Additional District Court at Poonamallee. No costs. Consequently, connected miscellaneous petition is closed.

17.09.2025

Intex : Yes/No
Internet : Yes/No
Jvm

To

1.The Family Court,
Tiruchirapalli.

2. The Sub-Court,
Ambattur.



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M.JOTHIRAMAN, J.

Jvm

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