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Tr.C.M.P.No.524 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.524 of 2024
& C.M.P.No.11854 of 2024

Ivangelin Princy

.. Petitioner

Vs

David Godson Immanuel

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in O.P.No.200 of 2023 pending on the file of the learned Family Court, Krishnagiri and transfer the same to the file of the learned District Court, Tirupattur.

For Petitioner : Mr.R.Rajarajan
For Respondent : Mr.M.Suresh

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.200 of 2023 from the file of the learned Family Court, Krishnagiri and transfer the same to the file of the learned District Court, Tirupattur.

2. I heard both sides. I have gone through the affidavit.



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3. The petitioner married the respondent on 26.06.2017. From the wedlock, they were blessed with two children aged 5 and 4 years. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.P.No.223 of 2022 for restitution of conjugal rights before the learned Family Court, Krishnagiri, which was later withdrawn by him. Subsequently, he has initiated O.P.No.200 of 2023 on the file of the learned Family Court, Krishnagiri seeking divorce. Pleading that the wife is working as Teacher in a Government School and residing in Tirupattur, she has moved this transfer petition.

4. 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 Krishnagiri and Tirupattur 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.

5. Accordingly, O.P.No.200 of 2023 is withdrawn from the file of the learned Family Court, Krishnagiri and transferred to the file of the learned District Court, Tirupattur.



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

24.01.2025

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
KST

To

1.The Family Court, Krishnagiri.

2.The District Court, Tirupattur.



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V. LAKSHMINARAYANAN,J.

KST

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