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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.516 of 2025

& CMP.No.12914 of 2025

1.J.Jerila

2.Minor Damris Moira B

... Petitioners

Vs.

J.Bari Valan

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of CPC, to withdraw I.D.O.P.No.1103 of 2025 pending on the file of the VI Additional Family Court, Chennai, and transfer the same to the tried along with M.C.No.21 of 2025 pending on the file of the Family Court, Nagarcoil, Kanyakumari District.

For Petitioners : Mr.N.Edwin Jeyakumar

For Respondent : Mr.Charles Kamalesh M.Appaji



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ORDER

The petitioners seek transfer of proceedings pending before the VI Additional Family Court, Chennai, in I.D.O.P.No.1103 of 2025 to the file of the Family Court, Nagarcoil, Kanyakumari District.

2.Heard the learned counsel for the parties.

3.The learned counsel for the petitioners states that the petitioners and the respondent are residing only in Kanyakumari District and the 1st petitioner has already filed M.C.No.21 of 2025 which is pending before the Family Court, Nagercoil, Kanyakumari and also a domestic violence complaint before the Mahila Court, Nagarcoil, Kanyakumari. In view of the connected proceedings pending before the Family Court, Nagercoil, the petitioners seek transfer of I.D.O.P.No.1103 of 2025 filed by the respondent/husband to the file of the Family Court, Nagercoil.

4.The learned counsel for the respondent/husband would however state that the respondent is employed in Chennai and it would be practically difficult for him to obtain prior leave and attend three different proceedings



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before the Courts in Kanyakumari District, which would even risk his employment itself. He would therefore seek for all the cases to be consolidated and tried before the Courts which would be convenient to both the petitioners and the respondent, for instance Family Court, Madurai.

5.I have carefully considered the submissions advanced on the learned counsel on either side.

6.The petitioner has approached the Family Court, Nagercoil, seeking maintenance for herself and minor daughter aged eight years old. The said MC.No.21 of 2025 is pending before the Family Court and I.D.O.P.No.1103 of 2025 proceedings initiated by the respondent is before the Family Court, Chennai. It is therefore, in the interest and also in consideration of the convenience of the wife to transfer the cases to the file of the Family Court, Nagercoil to be jointly tried along with the MC proceedings. However, the Family Court, Nagercoil shall not insist on the physical presence of the respondent husband on all hearing dates, except where it would be absolutely necessary. It is open to the parties to seek for reference to the Mediation before the Family Court, Nagercoil.



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7. With the above directions, the Transfer Civil Miscellaneous Petition is allowed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



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To

- 1.The VI Additional Family Court, Chennai.
- 2.The Family Court, Nagercoil, Kanyakumari District.



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P.B. BALAJI,J.

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