



Tr CMP.No.792 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.792 of 2024 &
CMP.No.17416 of 2024

Jenifer Mercy Anthony Xavier : Petitioner

versus

Joe Ezhil Chinnappan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the IDOP.No.39 of 2024 pending on the file of the Principal District Court, Villupuram and transfer the same to the file of the Principal Family Court, Chengalpet.

For Petitioner : Ms.P.V.Rajeswari

For Respondent : Mr.R.Rahul

ORDER

This transfer petition is at the instance of the wife. She seeks



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withdrawal of IDOP.No.39 of 2024 pending on the file of the Principal District Court, Villupuram and transfer the same to the file of the Principal Family Court, Chengalpet.

2. I heard Ms.P.V.Rajeswari and Mr.R.Rahul for the respective parties.

I have gone through the affidavit.

3. The petitioner married the respondent on 07.07.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in I.D.O.P.No.39 of 2024 for divorce before the learned Principal District Judge at Villupuram. Pleading that she is residing in Chrompet and unable to travel from Chrompet to Villupuram, the wife has moved this transfer petition.

4. Mr.R.Rahul appearing for the respondent/husband has tendered his no objection for allowing this transfer petition.

5. This Court and the Supreme Court have consistently held in matters



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of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Chrompet and Villupuram is considerable, and the respondent/husband has raised no objection to this transfer petition, I am inclined to accept it.

6. Accordingly, I.D.O.P.No.39 of 2024 is withdrawn from the file of the Principal District Court, Villupuram and is transferred to the file of the Principal Family Court at Chengalpet.

7. The learned Principal Family Judge, Chengalpet 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 District Judge, Principal District Court, Villupuram
- 2.The Principal Family Judge, Principal Family Court, Chengalpet

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