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Tr CMP.No.804 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.804 of 2024 &
CMP.No.17799 of 2024

Lincy @ Lincy Sara Angeline : Petitioner

versus

Rajan Immanuel : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw GWOP.No.12 of 2019 on the file of the Principal District Court at Thoothukudi and transfer to the Family Court at Coimbatore and proceed along with MC.No.18 of 2024 on the file of the Additional Family Court, Coimbatore.

For Petitioner : Mr.C.N.Ehoma Saviour

For Respondent : Mr.I.Abrar Mohamed Abdullah

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of GWOP.No.12 of 2019 from the file of the Principal District



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Court at Thoothukudi and transfer the same to the file of the Family Court at Coimbatore, to be tried along with M.C.No.18 of 2024.

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

3. The petitioner married the respondent on 17.11.2010. From the wedlock, they were blessed with a female child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in GWOP.No.12 of 2019 before the learned Principal District Judge at Thoothukudi. The petitioner/wife initiated proceedings in MC.No.18 of 2024 before the learned Additional Family Judge at Coimbatore. Pleading that she is residing in Coimbatore and unable to travel from Coimbatore to Thoothukudi, the wife 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 Coimbatore and Thoothukudi is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.



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5. Accordingly, GWOP.No.12 of 2019 is withdrawn from the file of the Principal District Court, Thoothukudi and transferred to the file of the Family Court at Coimbatore. The learned Family Judge at Coimbatore, on transfer of the proceedings, shall re-number the same and try it along with M.C.No.18 of 2024, which is said to be pending on the file of the Additional Family Court at Coimbatore.

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

24.01.2025

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Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No

To

1. The Principal District Judge, Principal District Court, Thoothukudi
2. The Family Judge, Family Court, Coimbatore
3. The Additional Family Judge, Additional Family Court, Coimbatore.



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V.LAKSHMINARAYANAN, J.
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