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Tr.C.M.P.No.1048 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.1048 of 2024
& C.M.P.No.22769 of 2024

Lincy Freeda

.. Petitioner

Vs

Stephen Raj

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to pass an order to withdraw I.D.O.P.No.461 of 2024 on the file of the Hon'ble Special Judge for Family Court at Salem and transfer the same to the Hon'ble VII Additional Family Court, Chennai.

For Petitioner : Mr.P.Narasimha Rao

For Respondent : No Appearance



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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of I.D.O.P.No.461 of 2024 from the file of the learned Special Judge for Family Court, Salem and transfer the same to the file of the learned VII Additional Family Court, Chennai.

2. I heard Mr.P.Narasimha Rao for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 31.10.2022. 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 I.D.O.P.No.461 of 2024 for restitution of conjugal rights before the learned Special Judge for Family Court, Salem. The



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petitioner/wife preferred a maintenance case in MC.No.418 of 2024

pending before the learned VII Additional Family Court, Chennai.

Pleading that the wife is residing in Chennai and unable to travel from Chennai to Salem, she has moved this transfer petition.

5. 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 Chennai and Salem 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.

6. Accordingly, I.D.O.P.No.461 of 2024 is withdrawn from the file of the learned Special Judge for Family Court, Salem and transferred to the file of the learned VII Additional Family Court, Chennai. The learned VII Additional Family Court, Chennai on transfer of the proceedings, shall re-number the same and try it along with MC.No.418 of 2024, which is said to be pending on its file.



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7. The Family Court 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. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

1.The Special Judge for Family Court, Salem.

2.The VII Additional Family Court, Chennai.

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