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Tr.C.M.P.No.1054 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.1054 of 2024
& C.M.P.No.23176 of 2024

1. K.Ruth
2. Surya

.. Petitioners

Vs

S.Victor Samuel

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to pass an order for withdrawal of I.D.O.P.No.221 of 2024 filed by the Respondent / Petitioner herein pending on the file of Hon'ble Family Court Judge, Chengalpattu and transfer the same to the file of Hon'ble Principal District Judge at Tiruvallur to be tried along with I.D.O.P.No.224 of 2024.

For Petitioners : Ms.N.Indra

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.221 of 2024 filed by the Respondent / husband herein pending on the file of Hon'ble Family Court Judge, Chengalpattu and transfer the same to the file of Hon'ble Principal District Judge at Tiruvallur to be tried along with I.D.O.P.No.224 of 2024

2. I heard Ms.N.Indra 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 first petitioner married the respondent on 20.01.2020. Due to disputes and differences, the parties have separated. The respondent /husband initiated proceedings in I.D.O.P.No.221 of 2024 for divorce before the learned Family Court Judge, Chengalpattu and the first



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petitioner/wife preferred I.D.O.P.No.224 of 2024 for restitution of conjugal rights before the learned Principal District Judge, Thiruvallur.

Pleading that the wife is residing in Thiruvallur and unable to travel from Thiruvallur to Chengapattu, 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 Thiruvallur and Chengapattu is considerable, I am inclined to accept the transfer.

6.Accordingly, I.D.O.P.No.221 of 2024 is withdrawn from the file of the learned Family Court Judge, Chengalpattu and transferred to the file of the learned Principal District Judge, Thiruvallur. The learned Principal District Judge, Thiruvallur, on transfer of the proceedings, shall re-number the same and try it along with I.D.O.P.No.224 of 2024, which is said to be pending on his file.



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V. LAKSHMINARAYANAN,J.
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7. 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

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To

1.The Family Court, Chengalpattu.

2.The Principal District Judge, Tiruvallur.

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