



WEB COPY



Tr.C.M.P.No.1072 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.1072 of 2024
& C.M.P.No.23645 of 2024

Lavanya Harlin Vijaya

.. Petitioner

Vs

Koilraj

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the original Petition in I.D.O.P.No.59 of 2024 on the file of the learned Principal District Judge, Villupuram and transfer the same to the file of the learned Family Judge, Puducherry.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.I.Abrar Mohamed Abdullan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of I.D.O.P.No.59 of 2024 from the file of the learned Principal District Judge, Villupuram and transfer the same to the file of the learned Family Judge, Puducherry.



Tr.C.M.P.No.1072 of 2024

WEB COPY 2. I heard Mr.P.Suresh Babu for the transfer petitioner. I have gone through the affidavit.

3. The petitioner married the respondent on 27.12.2012. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in M.C.No.60 of 2018 before the Family Court, Puducherry and the respondent/husband preferred I.D.O.P.No.59 of 2024 for divorce before the learned Principal District Judge, Villupuram. Pleading that the wife is residing in Puducherry and unable to travel from Puducherry to Villupuram, she 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. 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.

5. In view of the above and on account of the nature of allegation



Tr.C.M.P.No.1072 of 2024

found in the petition, I.D.O.P.No.59 of 2024 is withdrawn from the file of the learned Principal District Judge, Villupuram and transferred to the file of the learned Family Judge, Puducherry. The learned Family Judge, Puducherry on transfer of the proceedings, shall re-number the same and try it along with M.C.No.60 of 2018, which is said to be pending on his file.

6. 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.

7. 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

anu



WEB COPY



Tr.C.M.P.No.1072 of 2024

V. LAKSHMINARAYANAN,J.
anu

To

- 1.The Principal District Judge, Villupuram.
- 2.The Family Judge, Puducherry.

Tr.C.M.P.No.1072 of 2024
& C.M.P.No.23645 of 2024

24.01.2025