



Tr.C.M.P.No.1081 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.1081 of 2024
& C.M.P.No.23834 of 2024

Aiswarya Jayan

.. Petitioner

Vs

Babu @ Babu Richard

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case pending in I.D.O.P.No.174 of 2024 on the file of the Principal District Judge at Thiruvallur and transfer the same to file of the Family Court, Chennai.

For Petitioner : Ms.K.Sumathi

For Respondent : Mr.T.R.Udaya Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of I.D.O.P.No.174 of 2024 from the file of the learned Principal District Judge at Thiruvallur and transfer the same to the file of



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the Family Court, Chennai.

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

3. The petitioner married the respondent on 31.08.2020. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in I.D.O.P.No.174 of 2024 for divorce before the learned Principal District Judge at Thiruvallur. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Thiruvallur, 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. As the distance between Chennai and Thiruvallur 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 Accordingly, I.D.O.P.No.174 of 2024 is withdrawn from the file of the learned Principal District Judge at Thiruvallur and transferred to the file of the learned Family Judge at Chennai. The learned Family Judge, Chennai, on transfer of the proceedings, shall refer the matter to mediation to enable the parties to settle matter through that process.

6. In the unfortunate event that mediation fails, 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. 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



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V. LAKSHMINARAYANAN,J.
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- 1.The Principal District Judge, Thiruvallur.
- 2.The Family Court, Chennai.

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