



Tr.C.M.P.No.1112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1112 of 2024
and C.M.P.No.24464 of 2024

Anitha

.. Petitioner

Vs.

S.J.Allwin

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the above I.D.O.P.No.266 of 2023 pending on the file of the I Judge, Family Court at Chengalpet, to the Family Court at Chennai.

For Petitioner : Ms.B.Karpagam

For Respondent : Mr.G.Magesh Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of I.D.O.P.No.266 of 2023 from the file of the Family Court, Chengalpet, and transfer the same to the file of the Family Court, Chennai.

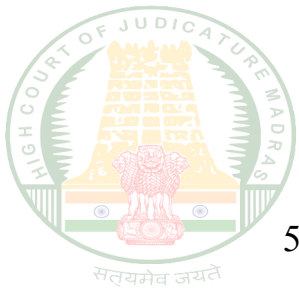


Tr.C.M.P.No.1112 of 2024

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

3.The petitioner married the respondent on 27.05.2005. 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.266 of 2023 for restitution of conjugal rights before the Principal District Court, Chengalpet. Pleading that the wife is residing in Purasaiwakkam, Chennai and unable to travel from Purasaiwakkam to Chengalpet, 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 Purasaiwakkam and Chengalpet 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.



Tr.C.M.P.No.1112 of 2024

5. Accordingly, I.D.O.P.No.266 of 2023 is withdrawn from the file of the Principal Family Court, Chengalpet, and transferred to the file of the Family Court, Chennai.

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

31.01.2025

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



WEB COPY



Tr.C.M.P.No.1112 of 2024

V.LAKSHMINARAYANAN, J.

krk

To

- 1.The Principal Judge,
Family Court,
Chengalpet.
- 2.The Judge,
Family Court,
Chennai.

Tr.C.M.P.No.1112 of 2024

31.01.2025