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Tr.C.M.P.No.1208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.1208 of 2024

and

C.M.P.No.26219 of 2024

A.Barvin Bobby @ Parveen Bhabi (F/39),
D/o.Ahmed @ Mohammed Ali,
No.67, Sri Vari Garden,
63, Velamapalayam,
Mangalam to Palladam Salai,
Tiruppur District.

... Petitioner

Vs

J.Jameel Basha (M/44),
S/o.Johnny Basha,
No.66A/121, Mugalpura, 1st Street,
Tiruvannamalai Town,
Tiruvannamalai District.

... Respondent

PRAYER: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the O.S.No.06 of 2024 on the file of the



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learned Family Court Judge at Tiruvannamalai and transfer the same to try along with O.S.No.19 of 2023 on the file of learned Family Court Judge at Tiruppur and pass such further or other orders as this Court may deem it fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr. B. Mohan, Advocate.

For respondent : Served – No appearance.

ORDER

Heard

2. The petitioner–wife seeks transfer of O.S.No.06 of 2024 on the file of the Family Court, Tiruvannamalai, instituted by the respondent–husband for restitution of conjugal rights, to the Family Court, Tiruppur, to be tried along with O.S.No.19 of 2023, her earlier divorce suit.

3. The marriage between the parties was solemnised on 04.02.2008 and two girl children were born of the wedlock. Matrimonial discord led the petitioner to



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institute O.S.No.19 of 2023 before the Family Court, Tiruppur, where she has been

residing for about two decades along with the children. The respondent, after receipt of summons in the said suit, filed O.S.No.06 of 2024 at Tiruvannamalai seeking restitution of conjugal rights.

4. The petitioner states that she is a working single mother; both minor daughters study at Tiruppur. To attend the restitution of conjugal rights proceedings at Tiruvannamalai, she must travel about 292 kilometres, change three buses and spend about five hours each way. She asserts that there is no one to look after the children during such travel and that she also supports her aged parents. She contends that the restitution of conjugal rights suit, filed in a distant court, is only to harass her and to compel her to give up the divorce case.

5. In matrimonial matters, this Court is guided by the settled principles that the convenience of the wife and minor children ordinarily deserves precedence, absent strong reasons to the contrary. When the wife is the primary caregiver and



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breadwinner, compelling her to undertake long-distance travel, leaving to minor

daughters unattended, would amount to a denial of effective access to justice.

6. No special hardship to the respondent is pleaded or apparent if he is required to contest the proceedings at Tiruppur. On the other hand, trying the divorce suit and the restitution of conjugal rights together before one Family Court will avoid conflicting findings, reduce costs and serve the best interests of the minor girl children.

7. This Court is satisfied that a case is made out under Section 24 CPC for transfer. Accordingly, Tr.C.M.P.No.1208 of 2024 is allowed and O.S.No.06 of 2024, pending on the file of the Family Court, Tiruvannamalai, is withdrawn and transferred to the Family Court, Tiruppur, to be tried and disposed of along with O.S.No.19 of 2023. The learned Judge, Family Court, Tiruvannamalai, shall transmit the entire records in O.S.No.06 of 2024 to the Family Court, Tiruppur, within three (3) weeks from the date of receipt of this order and the Family Court,



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Tiruppur shall dispose of the matter in accordance with law, as expeditiously as

possible, uninfluenced by any observations made in this order. Interim stay already granted by this Court on 28.11.2024 shall stand vacated and C.M.P.No.26219 of 2024 is closed. No order as to costs.

08.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Family Judge,
Tiruvannamalai.

2.The Family Court,
Tiruppur.

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DR. A.D. MARIA CLETE, J

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