



WEB COPY



Tr.C.M.P.No.1271 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.1271 of 2024
and C.M.P.No.27545 of 2024

S.Sagaya Mercy

.. Petitioner

Vs.

R.Bharathkarnel

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the petition in IDOP.No.310 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur and transfer the same to the Family Court, Kanyakumari District at Nagercoil.

For Petitioner : Mr.T.Balaji
For Respondent : Mr.G.Ayyanar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of IDOP No.310 of 2024 from the file of the Principal District and Sessions Judge, Thiruvallur, and transfer the same to the file of the Family Court, Kanyakumari District at Nagercoil.

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



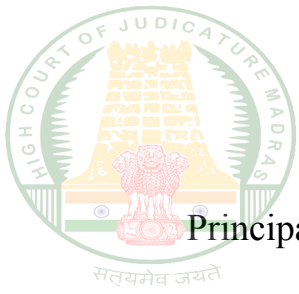
WEB COPY

3.The petitioner married the respondent on 02.06.2017. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in IDOP.No.310 of 2024 for divorce before the Principal District and Sessions Court at Thiruvallur. Pleading that the wife is residing in Nagercoil, Kanyakumari District and unable to travel from Kanyakumari District to Thiruvallur, she has moved this transfer petition.

4.Mr.G.Ayyanar submits that the husband has no objection for the transfer of the proceedings from Thiruvallur to Kanyakumari.

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 Kanyakumari 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.

6.Accordingly, IDOP No.310 of 2024 is withdrawn from the file of the



Tr.C.M.P.No.1271 of 2024

Principal District and Sessions Court, Thiruvallur, and transferred to the file of the Family Court, Kanyakumari District at Nagercoil.

7.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.

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

24.01.2025

krk

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

V.LAKSHMINARAYANAN, J.



Tr.C.M.P.No.1271 of 2024

Krk

WEB COPY
To

- 1.The Principal District and Sessions Judge,
Principal District and Sessions Court,
Thiruvallur.
- 2.The Judge,
Family Court,
Kanyakumari District at Nagercoil.

Tr.C.M.P.No.1271 of 2024

24.01.2025