



Tr.C.M.P.No.1299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.1299 of 2024

and

C.M.P.No.28246 of 2024

Susan, W/o.Manoj A. Mathews,
Old No.91, New No.83,
rd
Nakkirar Salai, 3 Block, Mogapair East,
Chennai – 600 037.
Petitioner

...

Vs.

Manoj A.Mathews, son of Mathews,
B M Swagath Apartments
16/20, Thirupanar Street,
Sundaram colony,
Tambaram East, Chennai – 600 059.

... Respondent

PRAYER in Tr.C.M.P.No.1299 of 2024: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw I.D.O.P.No.238 of 2022 on the file of the Principal District Court, Thiruvallur and transfer the above petition to the Family Court, Chennai and thus render justice.



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PRAYER in C.M.P.No.28246 of 2024: This Civil Miscellaneous Petition is filed under Section 151 of the Code of Civil Procedure to stay all further proceedings in IDOP No.238 of 2022 on the file of the Principal District Court, Thiruvallur, pending disposal of the above Transfer Civil Miscellaneous Petition.

For Petitioner : Mr.Thomas T.Jacob

For respondent : No appearance

O R D E R

Heard.

2. The petitioner–wife seeks transfer of I.D.O.P. No.238 of 2022, a petition for restitution of conjugal rights filed by the respondent–husband under Section 32 of the Indian Divorce Act, 1869, from the Principal District Court, Thiruvallur, to the Family Court, Chennai.

3. The marriage took place on 15.09.2008. Two children were born – Samuel Mathews Adimathra (28.11.2009) and Naomi Mathews (09.11.2018). The school records placed on file show that both children study at Vels Global School, Mogappair, Chennai; the elder child is in X Standard and facing the Board examinations.

4. The parties have been living separately since 23.01.2021, and both minor children reside with the petitioner at Mogapair East, Chennai, where she is

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employed and is the sole caregiver. She states that attending court at Thiruvallur requires nearly two hours of travel one way, whereas the Family Court, Chennai, is reachable within thirty minutes. Her uncontroverted assertion is that she alone manages the children, their schooling and their welfare, and that the respondent is not contributing to their education or maintenance.

5. The respondent resides at Tambaram East, Chennai, and no material is placed to show that he would suffer prejudice if the case is heard at Chennai. The daily status of the I.D.O.P. shows that the matter is pending for enquiry.

6. It is well settled that in matrimonial transfers, the convenience of the wife and welfare of minor children are of paramount consideration. No special reason is shown for retaining the proceedings at Thiruvallur, while both parties reside within Chennai city limits and the Family Court, Chennai, is the specialised forum for such disputes. In fact, no serious objection was raised on the side of the respondent over the petitioner's request for such transfer.

7. Accordingly, Tr.C.M.P. No.1299 of 2024 is allowed. I.D.O.P. No.238 of 2022 on the file of the Principal District Judge, Thiruvallur, is withdrawn and transferred to the file of the Family Court, Chennai . The Principal District Judge, Thiruvallur, shall transmit the entire records in I.D.O.P.No.238 of 2022 to the



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Family Court, Chennai, within three (3) weeks from the date of receipt of this order and the Family Court, Chennai shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay already granted by this court on 09.12.2024 shall stand vacated and C.M.P. No.28246 of 2024 is closed. There shall be no order as to costs.

10.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Principal District Court,
Thiruvallur.

2.The Family Court,
Chennai.

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DR. A.D. MARIA CLETE, J

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and
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