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Tr.C.M.P.No.1311 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.1311 of 2024

and

C.M.P.No.28466 of 2024

Rashmithaa Ramesh

.. Petitioner

Vs.

S.Chattrugan

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw O.P.No.293 of 2024 pending before the District Judge at Thanjavur and to transfer the same from the file of O.P.No.293 of 2024 pending before the Family Court at Thanjavur to be heard and decided along with O.P.No.3858 of 2024 on the file of V Additional Judge Family Court, Chennai.

For Petitioner : Mr.S.Namasivayam

For Respondent : Mr.K.Ramesh

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.293 of 2024 from the file of the District Court, Thanjavur and transfer the same to the file of the V Additional Family Court,



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Chennai, to be tried along with O.P.No.3858 of 2024.

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

3.The petitioner married the respondent on 08.11.2021. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in O.P.No.3858 of 2024 for divorce before the V Additional Family Court, Chennai. The respondent/husband initiated proceedings in O.P.No.293 of 2024 for restitution of conjugal rights before the Family Court, Thanjavur. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Thanjavur, 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 Thanjavur is considerable, I am inclined to accept the transfer.

5.Accordingly, O.P.No.293 of 2024 is withdrawn from the file of the Family Court, Thanjavur and transferred to the file of the V Additional



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Family Court, Chennai. The learned V Additional Family Judge at Chennai, on transfer of the proceedings, shall re-number the same and try it along with O.P.No.3858 of 2024, which is said to be pending on his file.

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.

24.01.2025

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

V.LAKSHMINARAYANAN, J.

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To
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- 1.The V Additional Judge,
V Additional Family Court,
Chennai.
- 2.The Judge,
Family Court,
Thanjavur.

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24.01.2025