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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.56 of 2025
& CMP.No.1208 of 2025

R.Reaiah

... Petitioner

Vs.

Jeremiah D.David

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw O.P.No.4767 of 2024 pending on the file of the IV Additional Family Court, Chennai and to transfer the same to the file of the Principal District Court, Kanchipuram for disposal along with I.D.O.P.No.112 of 2024.

For Petitioner : Ms.B.Vishnupriya
for Mr.A.Prabhakaran

For Respondent : Mr.N.Rajkumar

ORDER

The petitioner/wife seeks transfer of O.P.No.4767 of 2024 pending on the file of the IV Additional Family Court, Chennai, to the file of the Principal District Court, Kanchipuram, for disposal along with I.D.O.P.No.112 of 2024.



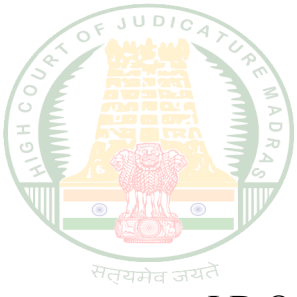
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2.Heard the learned counsel for the parties.

3.The learned counsel for the petitioner would invite my attention to the earlier filing of I.D.O.P.No.112 of 2024 in August 2024, whereas OP.No.4767 of 2024 filed by the respondent/husband is now pending on the file of the IV Additional Family Court, Chennai, was filed later in September 2024. He would further state that both the petitioner and the respondent reside in the outskirts of Chennai and it will be convenient for them to attend the proceedings before the Principal District Court, Kanchipuram. He would further also that being a District Court, the physical presence of the parties would also not be mandatory and hence, the respondent would also not be seriously prejudiced.

4.The learned counsel for the respondent would however state that the Family Court is closer to the place where the parties reside and hence, he seeks for dismissal of the of the transfer application.

5.I have carefully considered the submissions advanced by the learned counsel on either side.



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6.As rightly contended by the learned counsel for the petitioner, I.D.O.P.No.112 of 2024 is pending on the file of the Principal District Court, Kanchipuram, has been filed on 21.08.2024, more than a month earlier than filing of O.P.No.4767 of 2024 by the respondent before the IV Additional Family Court, Chennai. Moreover, the petitioner has expressed inconvenience to attend the proceedings before the IV Additional Family Court, Chennai, in view of the fact that she has to take care of her two minor children as well.

7.In the light of the above, I am inclined to allow the transfer application as prayed for. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the case in O.P.No.4767 of 2024 is withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the file of the Principal District Court, Kanchipuram, to be tried jointly along with I.D.O.P.No.112 of 2024. The learned Principal District Judge, Kanchipuram, shall expedite hearing in the miscellaneous application taken out by the respondent, seeking visitation rights and pass orders in the said application, within a period of four weeks from the date of receipt of records from the IV Additional Family Court, Chennai. The Principal District Court,



Kanchipuram, shall also not insist on the physical presence of the respondent/husband on all hearing dates, except where it would be absolutely necessary. There shall be no order as to costs. Connected Civil

Miscellaneous Petition is closed.

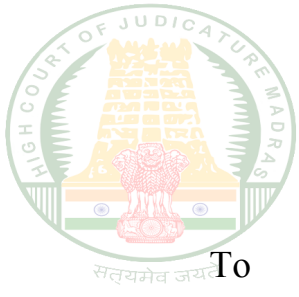
23.07.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



To

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1. The IV Additional Family Court, Chennai.
2. The Principal District Court, Kanchipuram.



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P.B. BALAJI,J.

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