



Tr.C.M.P.No.8 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.8 of 2025

and

C.M.P.No.326 of 2025

1.Naadhiya Begum

2.Israa (minor)

(Minor 2nd petitioner is represented
by her mother, 1st petitioner herein)

.. Petitioners

Vs.

Irsahath Azad

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw O.S.No.497 of 2023 on the file of the Sub Judge, Panruti and transfer the same to the Court of Family Judge, Puducherry, where M.C.No.14 of 2024 for maintenance is pending, for the purposes of joint or simultaneous trial.

For Petitioners : Mr.Ashokkumar D.

For Respondent : Mr.S.Marshall



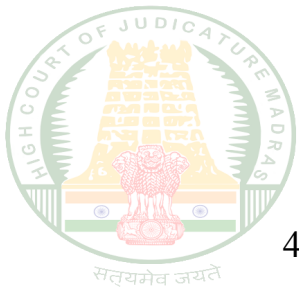
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ORDER

WEB COPY This transfer petition is at the instance of the wife. She seeks withdrawal of O.S.No.497 of 2023 from the file of the Sub Court, Panruti, and transfer the same to the file of the Family Court, Puducherry, to be tried along with M.C.No.14 of 2024.

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

3.The petitioner married the respondent on 14.02.2021. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.S.No.497 of 2023 for dissolution of the marriage solemnized between the petitioner and the respondent on 14.02.2021 before the Sub Court, Panruti. The petitioner / wife initiated proceedings in M.C.No.14 of 2024 for maintenance before the Family Court, Puducherry. Pleading that the wife is residing in Puducherry and unable to travel from Puducherry to Panruti, she has moved this transfer petition.



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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 Puducherry and Panruti 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.

5.Accordingly, O.S.No.497 of 2023 is withdrawn from the file of the Sub Court, Panruti, and transferred to the file of the Family Court, Puducherry. The learned Judge, Family Court, Puducherry, on transfer of the proceedings, shall re-number the same and try it along with M.C.No.14 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.



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WEB COPY 7. With the above observations, the Transfer Petition is ordered.

Consequently, connected miscellaneous petition is closed. No costs.

31.01.2025

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

To

1. The Subordinate Judge,
Sub Court, Panruti.

2. The Judge,
Family Court,
Puducherry.



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V.LAKSHMINARAYANAN, J.

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