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TR CMP No. 792 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 792 of 2025

and

CMP No. 18209 of 2025

Nithya V

..Petitioner

Vs

Rakesh Sebastin

..Respondent

Prayer in TR CMP No. 792 of 2025: Petition filed under section 24 of CPC to order of transfer and withdraw the case in OS No. 3 of 2025 pending on the file of the District Judge, Family Court, Thanjavur and transfer to the Family Court at Tiruvallur or any other court having Jurisdiction over Tiruvallur District.

Prayer in CMP No. 18209 of 2025: Petition to stay all further proceedings in OS No. 3 of 2025 pending on the file of the District Judge, Family Court, Thanjavur pending disposal of the above Transfer petition.

For Petitioner:

Mr.S.M.Raghuram

For Respondent:

Mr.P.Sesubalan Raja

**ORDER**

Heard.

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2. This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.3 of 2025 pending on the file of the Family Court, Thanjavur and transfer the same to the file of the Family Court, Tiruvallur.

3. The petitioner is the wife. The marriage between the petitioner/ wife and the respondent/ husband was solemnized on 16.09.2024. The respondent/husband has filed the matrimonial proceedings in O.S. No.3 of 2025 on the file of the Family Court, Thanjavur, seeking divorce.

4. The learned counsel for the petitioner submit that the petitioner/wife is residing at Tiruvallur, that there are no children through the wedlock, and that the matter is now at the stage of mediation. It is submitted that it would cause undue hardship to the petitioner to undertake travel to Thanjavur for each hearing and that the ends of justice would be served if the proceedings are transferred to Family Court, Tiruvallur.

5. Per contra, the learned counsel for the respondent would submit that the respondent/husband is residing at Thanjavur and opposed the transfer.

6. This Court has considered the rival submissions. In matrimonial proceedings, the convenience of the wife is a relevant consideration, particularly



when the parties reside in different districts and the proceedings require repeated appearances. The case being at the mediation stage, transfer to the Court near the petitioner's place would also facilitate participation in mediation without avoidable hardship.

7. Considering the overall facts and circumstances, this Court is satisfied that the Transfer Civil Miscellaneous Petition deserves to be allowed.

8. Accordingly, Tr.C.M.P. No.792 of 2025 is allowed. O.S./H.M.O.P. No.3 of 2025 on the file of the Family Court, Thanjavur, is withdrawn and transferred to the file of the Family Court, Tiruvallur. The Family Court, Thanjavur, shall transmit the entire records to the Family Court, Tiruvallur, within three (3) weeks from the date of receipt of this order and the Family Court, Tiruvallur shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 30.07.2025 shall stand vacated and C.M.P. No.18209 of 2025 is closed. There shall be no order as to costs.

05-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHL



To:

1. The District Judge, Family Court, Thanjavur
2. The Family Court at Tiruvallur



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DR.A.D.MARIA CLETE J.

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**TR CMP No. 792 of 2025
and
CMP NO. 18209 of 2025**

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