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IN THE PRINCIPAL FAMILY COURT AT CHENNAI

Present: Tmt. S. Subadevi, B.A., B.L., M.B.A.,

Principal Judge

Wednesday, the 11<sup>th</sup> day of March 2026

Tr.O.P.No. 461/2026

Pavitra

.. Petitioner

-vs-

Santosh

.. Respondent

This petition coming on 23.02.2026 before me for final hearing, in the presence of the petitioner and the respondent upon perusing the petition, counter and other connected material papers on record and upon hearing the arguments of both parties and having stood over for consideration till this date, this Court delivered the following:

ORDER

This petition filed by the petitioner/wife under Section 24 of CPC to withdraw the GWOP 3483/2024 pending on the file of V Additional Family Court, Chennai and transfer to any other Family Court at Chennai.

2. The brief averments in the petition are as follows: The petitioner has stated that she has not been giving a fair opportunity of representing herself before the V Additional Family Court. The petitioner has been co-operating and appearing before the Court regularly. The divorce proceedings, PW1 has been cross examined in length on 2 occasions and on the other 2 occasions the counsel for the respondent had sought an adjournment which was granted

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without any issues by the Presiding Officer. On 07.01.2026 when they had requested an adjournment that she was not feeling well and could not wait, it rejected. The Leaned Judge Judge only allots 45 minutes to her counsel to cross examine. The petition and proof affidavit runs to 40 paragraphs and 36 documents being marked and the Learned Judge cannot expect to conclude the cross examine in a hurried manner. On 07.01.2026 the Learned Judge had orally remarked and warned her of strictures to pay Rs.5,000/- as cost to the respondent if she did not conclude her cross examination. Cost of Rs 2500/- was imposed on her which was payable on or before 09.01.2026 and she had paid the same. On 10.11.2025 when the case was posted for cross, the petitioner's counsel was ready and adjournment was sought by the counsel for the petitioner and hence was adjourned. On 02.12.2025; both parties were absent and cross was adjourned to 16.12.2025 due to heavy rains. On 16.12.2025 PW1 was crossed in part and it was posted to 07.01.2026. Therefore, the record clearly indicates that they have been ready for cross examination and yet on 07.01.2026; an order is recorded as though they have been protracting the divorce proceedings which is contrary to the courts own record.

The petitioner further stated that she filed IA 5/2024 for return of articles and the respondent has filed a counter along with counter claim. The respondent has also filed IA 8/2025 seeking return of articles with the same prayer made in the counterclaim which is impermissible as per law and procedure. With this being the position and pleadings not being complete in IA 8/2025; the Learned Judge is moving forward with the trial even when the pleadings have not been completed; which is completely contrary to procedure



as established by law. When this was brought to the attention of the Learned Judge in the previous hearings, the Learned Judge had directed her counsel to cross examine the witness failing which adverse orders would be passed. The respondent filed a counter claim in IA 5/2024 and the same as not numbered and hence he filed a separate return of articles petition vide IA 8/2025 and trial has been conducted when pleadings are not even completed. The Learned Judge has now treated IA 8/2025 as an interlocutory application and has allowed the same on 30.01.2025 as ex-parte with a direction to return articles within 30 days. This clearly illustrates that the procedure adopted by the Court is contrary to law and procedure. When no evidence has been led in IA 8/2025, no orders can be passed and no interlocutory directions can be passed in a return of articles petition.

The petitioner has stated that a child was born out of the wedlock and aged about 6 years and she is currently studying at Gateway School and visitation has been granted to her child at the Family Court childcare center on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of every month to the respondent. Her child's exams start on 19.01.2026 till 27.01.2026. When the hearing was posted on 07.01.2026 for cross examination of PW1 (cross continuation) in the divorce proceedings and for evidence of PW1 in the child custody case; the Learned Judge judge has directed her to produce the child based on a oral request made by her husband and has orally remarked to handover her daughter to the respondent from 09.01.2026 to 17.01.2026 wherein the respondent will take the daughter to Pondicherry and drop her daughter back on 17.01.2026. This oral remark and direction to produce her child without an written application being made by the

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respondent clearly illustrates the non-application of mind by the Learned Judge and the complete bias towards the respondent. On 09.01.2026 an order was passed with directions for production of the child failing which appropriate orders would be passed. On 30.01.2026 she was set ex-parte even though the case was not even posted for appearance and even though she filed her counter and the case is at the stage of examination in chief of PW1.


The petitioner has stated that the Learned Judge is not adhering to the directions of the Hon'ble High Court order in C.R.P.N.O. 4073 and 4227 of 2024 dated 31.01.2025. The petitioner cannot be expected to appear before this Court on each and every hearing especially when she have the option to appear through video conferencing and the option to be represented by her counsels. When the petitioner is not allowed to appear through video conferencing and her counsels indicate the same to the Learned Judge; the Learned Judge orally remarks to her counsels that strictures will be passed against them. The Presiding officer has refused to accept 13 petition of her advocates. As per the judgement of the Hon'ble High Court, she is entitled to be represented on court by her counsel. However, the Learned judge refused to accept the same and refuses to allow her counsel to represent her in her absence and also refuses to allow her to appear vide video conferencing in clear violation of the notification and orders of the Hon'ble Madras High Court & Supreme Court of India. Hence, the petitioner has filed this petition to withdraw the GWOP 3483/2024 pending on the file of V Additional Family Court, Chennai and transfer to any other Family Court at Chennai.



3. The brief averments in the counter are as follows: The respondent denies the allegations except those are admitted. All the allegations in paragraph number 2 & 3 of the affidavit is absolutely false and in correct. As the petitioner has been going on taking adjournments after adjournment this Court has not given further adjournment. The petitioner filed an interim maintenance case, litigation expenses and both were filed a return of articles. The return of articles petition filed by him, the counter was not filed by the petitioner/wife and the petition was allowed. The petitioner till now the articles are not returned to the respondent. The interim maintenance was filed by the wife and the same was allowed on 21.11.2023. Till date the maintenance was paid by the respondent without fail. The respondent being a biological father of his daughter, so filed a petition visitation rights and the same was ordered on 21.11.2023, but the petitioner was irregular that. Subsequently, she changed her counsel and use this chance to prolong the case. The Learned Judge has not made such an oral direction to produce the child on 07.01.2026 and the respondent has not made oral request to hand over the child as alleged by her. On 07.01.2026 the Court directed the petitioner/wife for the next occasion (09.01.2026) should appear along with the child, but she was failed to appear along with the child and till now she does not show his daughter. The stage of the case is continuation of PW1 cross-examination and the petitioner was not conducted the case and the same was closed before the V Additional Family Court. Further, the last hearing further evidence was closed and now present is respondent side evidence.

The respondent has stated that the petitioner is residing at Ayanavaram, Chennai, there is no difficult for her to appear before the Court in

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person. Only if the party is in abroad, has the option to appear through video conference. Initially he filed a divorce petition before the Pondicherry Family Court OP 527/2021. Subsequently, the petitioner filed a Trop before the Hon'ble High Court of Madras, the same was allowed and transferred from Pondicherry Family Court to the V Additional Family Court in the year of 2022 and the same was renumbered as OP 2662/2022. Further the stage of OP 2662/2022 is PW1 cross-examination continuation and it was not completed by the petitioner and the same was closed before the V Additional Family Court. The respondent need to take care of his child and he filed GWOP 3483/2024 before the V Additional Family Court. Further, the petitioner was not filed a counter in GWOP and she was exparte. After that the petitioner filed a set aside petition and the same was allowed. The petitioner was not like to conduct the case and regularly try to drag on the case in various invalid reasons. Hence the petition is liable to be dismissed.

4. The point for consideration is:-

1. Whether this petition is to be allowed?

5. The point:

The petitioner has filed this petition to transfer the GWOP 3483/2024 pending on the file of V Additional Family Court to any other Family Court.

The petitioner has stated that the Learned Judge not given fair opportunity to represent her case. On 7.1.2026 she made an request for adjournment, the Learned Judge had orally remark and warned her to impose cost of Rs.5,000/-, if she has not concluded her cross-examination. The respondent already got visitation rights at child care centre on 1<sup>st</sup> and 3<sup>rd</sup>

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Saturday. Her child's exams starts on 19.1.2026 till 27.1.2026, the Learned Judge directed her to produce the child based on a oral request and handover to the respondent from 9.1.2026 to 17.1.2026. The respondent will take the child to Pondicherry and drop back on 17.1.2026. The Learned Judge completely biased towards the respondent and also has not permitted her to appear through video conference, even the Hon'ble High Court passed order in CRP No. 4073 and 4227 of 2024 dated 31.1.2025. The Learned Judge refused to accept the petition under Section 13 of Family Court Act and also refused to allow her counsel to represent in her absence.

On the otherhand the respondent has stated that the allegations that the PW1 cross-examination in length on 2 occasions, in other 2 occasions the counsel for the respondent sought an adjournment which was granted without any issue by the Court. On 7.1.2026 the petitioner seeking adjournment that she was not feeling well and could not wait, the same was rejected by the Court. The Learned Judge warned to impose cost as alleged by the petitioner. The petitioner has changing the counsel and prolonging the case. The visitation rights petition filed by the respondent and the same was ordered, but the petitioner was irregular. On 7.1.2026 the court directed the petitioner/wife to appear along with the child on 9.1.2026. The evidence has been closed by the court and posted for the respondent's side evidence. The petitioner residing at Ayanavaram, there was no difficulty to appear the court in person. Only if the party is in abroad, option to appear through video conference. Originally the case has been filed before Pondicherry Family Court and the same has been transferred by way of order of Hon'ble High Court. Now the petitioner has not shown the child. Only

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During the proceedings she filed this petition.

A careful perusal of records, GWOP has been filed by the respondent and the same is pending on the file of V Additional Family Court. In the notes paper, the petitioner is set exparte and she filed IA 2/2025 to set aside the exparte. That petition was allowed and the case has been adjourned on 9.1.2026 for production of child and enquiry. On 9.1.2026 petitioner present, respondent absent, child not produced in Court, adjourned to 30.1.2026 for production of child, failing which appropriate direction would be passed. On 30.1.2026 petitioner/respondent absent, no representation, hence she set exparte, evidence by 6.2.2026.

The petitioner has stated that the Learned Judge refused to accept her representation through her counsel and not allowed the petition under Section 13 of Family Court Act. The respondent has stated that the petitioner has not filed counter and set-exparte. The set aside petition has been allowed, the petitioner did not like to conduct the case regularly and drag the case. The case records shows that the petitioner was set exparte on 30.1.2026 for her non appearance.

The petitioner has stated that the Learned Judge has not given opportunity to appear through video conference. The respondent has stated that the petitioner lived in Chennai and there is no difficulty to appear the Court in person. The petitioner appeared through Video Conference whenever she was not able to appear in person. It is no bar even the respondent to appear through Video Conference. Further it is not question that the party is in abroad.

The petitioner has stated the Learned Judge has insisted to produce the child on the oral request of the respondent. The respondent has stated that

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the visitation rights ordered by the Court and she was irregular. Further he stated that the Learned Judge has not made any oral direction to produce the child and also he has not made any request to handover the child as alleged by her. In the notes paper, it is clear that the petitioner is directed to appear along with the child on 9.1.2026. The respondent himself stated that he has not made any oral request for producing the child.

The Apex Court judgment clearly reveals that the prejudice mind of the party would also ground of transfer. In this case the petitioner has stated that the Learned Judge has not allowed the petition under Section 13 of Family Court Act and also appeared through Video Conference. It is to be noted that the Learned Judge has passed a meritorious order, it would affect the mind of the party. In such circumstances, this Court allowed the petition and direct the parties to appear and complete the case as per law on the condition this case has been transferred from the V Additional Family Court to VI Additional Family Court and answered the point accordingly.

In the result, the petition is allowed and the GWOP 3483/2024 is withdrawn from the file of V Additional Family Court and transferred to the file of VI Additional Family Court.

Directly dictated to the steno typist and typed by him and corrected and pronounced by me in Open Court, this the 11<sup>th</sup> day of March 2026.

Copy to:

- i) The V Additional Principal Judge,  
V Additional Principal Family Court, Chennai.
- ii) The VI Additional Principal Judge,  
VI Additional Principal Family Court, Chennai.

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PRINCIPAL JUDGE

Certified to be true copy

  
18.09.26

Superintendent of Convist

3283/26

√3228/26

FAMILY COURT CHENNAI	
C.A. No.....	3283/26 20
T.O.P. No.....	461/26 20
Application made on.....	18/3/2026
Stamps called for on.....	15/4/2026
Stamp papers deposited on.....	15/4/2026
Add. stamps called for on.....	20
Add. stamp papers deposited on.....	20
Copy made Ready on.....	18/4/2026
Copy Delivered on.....	21/06/26 20

*M. J. L.*  
Superintendent.

Pavithra.

4682 3726 7755.



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IN THE PRINCIPAL FAMILY COURT AT CHENNAI

Present: Tmt. S. Subadevi, B.A., B.L., M.B.A.,

Principal Judge

Wednesday, the 11<sup>th</sup> day of March 2026

Tr.O.P.No. 70/2026

Pavitra

.. Petitioner

-vs-

Santosh

.. Respondent


This petition coming on 23.02.2026 before me for final hearing, in the presence of the petitioner and the respondent upon perusing the petition, counter and other connected material papers on record and upon hearing the arguments of both parties and having stood over for consideration till this date, this Court delivered the following:

ORDER

This petition filed by the petitioner/wife under Section 24 of CPC to withdraw the OP 2662/2022 pending on the file of V Additional Family Court, Chennai and transfer to any other Family Court at Chennai.

2. The brief averments in the petition are as follows: The petitioner has stated that she has not been giving a fair opportunity of representing herself before V Additional Family Court. The petitioner has been co-operating and appearing before the Court regularly. PW1 has been cross examined in length on 2 occasions and on the other 2 occasions the counsel for the respondent had seek an adjournment which was granted without any issues by the Presiding Officer. On 07.01.2026 when they had requested an adjournment that she was not feeling

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well and not wait, it was rejected. The Learned Judge only allots 45 minutes to her counsel to cross examine. The petition and proof affidavit runs to 40 paragraphs and 36 documents being marked and the Learned Judge cannot expect to conclude the cross examine in a hurried manner. On 07.01.2026 the Learned Judge had orally remarked and warned her of strictures to pay Rs.5,000/- as cost to the respondent if she did not conclude her cross examination.

The petitioner further stated that she filed IA 5/2024 for return of articles and the respondent has filed a counter along with counter claim. The respondent has also filed IA 7/2025 seeking return of articles with the same prayer made in the counterclaim. With this being the position and pleadings not being complete in IA 7/2025, the Learned Judge is moving forward with the trial even when the pleadings have not been completed which is completely contrary to procedure as established by law. When this was brought to the attention of the Learned Judge in the previous hearings, the Learned Judge had directed her counsel to cross examine the witness failing which adverse orders would be passed.

The petitioner has stated that a child was born out of the wedlock and aged about 6 years and she is currently studying at Gateway School and visitation has been granted to her child at the Family Court childcare Center on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of every month to the respondent. Her child's exams start on 19.01.2026 till 27.01.2026. On 07.01.2026 for cross examination of PW1 (cross continuation), the Learned Judge judge has directed her to produce the child based on a oral request made by the respondent and has orally remarked to handover her daughter to the respondent from 09.01.2026 to 17.01.2026




wherein the respondent will take the daughter to Pondicherry and drop the daughter back on 17.01.2026. This oral remark and direction to produce her child without an written application being made by the respondent clearly illustrates the non-application of mind by the Learned Judge and the complete bias towards the respondent.

The petitioner has stated that the Learned Judge is not adhering to the directions of the Hon'ble High Court orders in C.R.P.N.O. 4073 and 4227/2024 dated 31.01.2025. The petitioner cannot be expected to appear before this Court on each and every hearing especially when she have the option to appear through video conferencing and the option to be represented by her counsels. When the petitioner is not allowed to appear through video conferencing and her counsels indicate the same to the Learned Judge, the Learned Judge orally remarks to her counsels that strictures will be passed against them. The Presiding officer has refused to accept the 13 petition of her advocates. As per the judgement of the Hon'ble High Court, she is entitled to be represented on court by her counsel. However, the Learned Judge refused to accept the same and refuses to allow her counsel to represent her in her absence and also refuses to allow her to appear vide video conferencing in clear violation of the notification and orders of the Hon'ble Madras High Court & Supreme Court of India. Hence, the petitioner has filed this petition to withdraw the OP 2662/2022 pending on the file of V Additional Family Court, Chennai and transfer to any other Family Court at Chennai.

3. The brief averments in the counter are as follows: The respondent denies the allegations stated in the petition except those are admitted. All the allegations in paragraph number 2 & 3 of the affidavit is absolutely false and in

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correct. As the petitioner has been going on taking adjournments after adjournment this Court has not given further adjournment. The Learned Judge has not made such an oral direction to produce the child on 07.01.2026 and he has not made oral request to hand over the child as alleged by her. The respondent request before the court, he wish to celebrate the Pongal festival along with his daughter so he request any one day in Pongal Holidays (14<sup>th</sup> January to 18<sup>th</sup> January) to send his daughter 9 am to 5 pm in any public place, but the petitioner refused the same. He has not asked to go to his home town in Pondicherry along with his daughter. Normally if the petitioner or the respondent is working abroad or they are working in other states and not able to appear before the court in person, the Court may allow to give evidence through video conference. Here the petitioner is residing at Ayanavaram, Chennai, there is no difficult for her to appear before the Court in person and she can very well give evidence before the court in person. The petitioner filed the petition only to drag on the proceedings and there are no merits.

The respondent has stated that initially he filed a divorce petition before the Pondicherry Family Court in OP 527/2021. Subsequently, the petitioner filed a Trop before the Hon'ble High Court of Madras, the same was allowed and transferred from Pondicherry Family Court to the V Additional Family Court at Madras in the year of 2022 and the same was renumbered as OP 2662/2022. Further the stage of OP 2662/2022 is PW1 cross-examination continuation and it was not completed by the petitioner and the same was closed before the V Additional Family Court. After transfer, the petitioner/wife filed a interim maintenance case, litigation expenses and also filed a return of articles. Further, the return of articles petition filed by him, the counter was not filed by



the petitioner, so the V Additional Family Court was passed the order against the petitioner as set exparte. Further, the interim maintenance was filed by the wife and the same was allowed on 21.11.2023. Till date the maintenance was paid by the respondent without fail as per Court Order. The respondent being a biological father of his Daughter, so filed a petition visitation rights and the same was ordered on 21.11.2023 and on every month of 1<sup>st</sup> and 3<sup>rd</sup> Saturday, but the petitioner was irregular that. Subsequently, she changed her counsel and use this chance to prolong the case and the same was happen, this her regular activities. The respondent need to take care of his child and he filed GWOP 3483/2024 before the V Additional Family Court. The petitioner was not filed a counter in GWOP and she was exparte in that case. After that the petitioner filed a set aside petition and the same was allowed. The petitioner was not like to conduct the case and regularly try to dragon the case in various invalid reasons. Hence the petition is liable to be dismissed.

4. The point for consideration is:

1. Whether this petition is to be allowed?

5. The point:

The petitioner has filed this petition to transfer the OP 2662/2022 pending on the file of V Additional Family Court to any other Family Court.

The petitioner has stated that the respondent filed divorce and the same is pending before V Additional Family Court. The petitioner has been cross-examined in length on 2 occasions and in other 2 occasions the respondent seeking adjournment without any issues, the Court has granted. On 7.1.2026 the petitioner requested an adjournment stated that she was not feeling well and she could not wait, it was rejected and the Learned Judge only allotted 45 minutes to



her counsel for cross-examination. The petition and proof affidavit runs 40 paragraphs and 36 documents, the Judge expect them to conclude the cross in a hurried manner and defeat her right to cross. On 7.1.2026 the Learned Judge orally remarked and warned her to pay a cost of Rs.5000/- to the respondent, if she did not conclude her cross-examination. Further the Learned Judge not permit her to appear through video conference and also refused to accept her petition for assisting counsel. The petitioner has stated that the respondent filed IA seeking return of articles and the same has allowed on 30.1.2025 and direction to return the articles within 30 days. So, the petitioner has no other option to file this petition.

On the otherhand the respondent denied the contention, the Learned Judge has not made any such an oral direction to produce the child on 7.1.2026 and the respondent has not made any oral request to handover the child as alleged by the petitioner. The respondent further stated that he wish to celebrate Pongal festival along with his daughter, he made a request before the Court to send his daughter 9 am to 5 pm in any public place, but the petitioner refused the same. He has not asked to go to his hometown in Pondicherry along with his daughter. The petitioner is residing in Ayanavaram, only if the party is in abroad or in other state, has option to appear through video conference. The petitioner has filed this petition to drag the proceedings and there is no merits in this petition and liable to be dismissed.

A careful perusal of records, the respondent has filed OP for divorce and the same is pending on the file of V Additional Family Court, in the stage of the petitioner/respondent's evidence. Originally the case has been filed before Pondicherry and the same has been transferred by the Hon'ble High Court in

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TROP and the case has been renumbered as OP 2662/2022. The respondent/petitioner filed the petition in the year 2021. PW1 cross has been pending from the year 2024. In meantime the case has been referred to mediation.

Further the case has been posted for cross-examination. In the notes paper the Court has observed that the petitioner has not completed the cross-examination even 8 months was granted. The notes paper reflect that the mediation is also done in meanwhile. The Learned Judge has passed a condition to produce the child on 9.1.2026 and also imposed cost. On 9.1.2026 the petitioner not produced the child and also not paid the cost, she was set-exparte and PW1 is closed. The respondent has stated that he has not made any request to handover the child and there is no oral order on 7.1.2026 to handover the child. In the notes paper on 9.1.2026 the Learned Judge observed that the direction was not complied by the petitioner in GWOP and also not paid the cost and set-exparte. The petitioner's allegation that the Court has not permitted to appoint counsel on her side and also not permitted to appear Video Conference. The respondent's allegation that the petitioner drag the proceedings. The respondent further stated that he has not made any request for production of child as alleged by the petitioner. On 7.1.2026 the order was specific in GWOP that the petitioner to appear along with the child, it reflected in OP also. In such circumstances, this Court considered her request and allowed the petition. Hence the petition is allowed and the OP 2662/2022 is transferred from the V Additional Family Court to VI Additional Family Court and answered the point accordingly.

In the result, the petition is allowed and the OP 266/2022 withdrawn from the file of V Additional Family Court and transferred to of VI Additional Family Court.

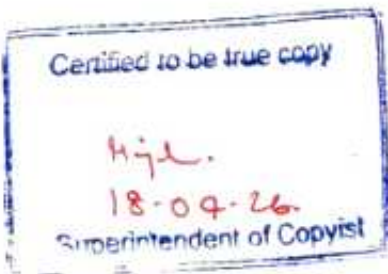


Directly dictated to the steno typist and typed by him and corrected and pronounced by me in Open Court, this the 11<sup>th</sup> day of March 2026.

PRINCIPAL JUDGE

Copy to:

- i) The V Additional Principal Judge,  
V Additional Principal Family Court, Chennai.
  
- ii) The VI Additional Principal Judge,  
VI Additional Principal Family Court, Chennai.



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FAMILY COURT CHENNAI	
C.A. No.	3282/26 20
O.P. No.	70/26 20
Application made on	18/3/2026
Stamps called for on	15/4/2026
Stamp papers deposited on	15/4/2026
Addl. stamps called for on	— 20
Addl. stamp papers deposited on	— 20
Copy made Ready on	18/4/2026
Copy Delivered on	22/06/26 20
<i>Hijl</i> Superintendent	

Pawithra.

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