

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.103 of 2015

and M.P.No.1 of 2015

A.Anandhi ... Petitioner/Respondent
Vs.

C.Arun Kumar ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., praying, to withdraw the petition for restitution of conjugal rights filed by the respondent in H.M.O.P.No.4093 of 2012, now pending on the file of the Principal Family Court, Chennai and transfer the same to the file of the Principal Family Court, Pondicherry.

For Petitioner : Mr.R.Veeramani
For Respondent : Ms.M.Subha

ORDER

The petitioner/wife, who is the respondent in H.M.O.P.No.4093 of 2012, has filed this petition to transfer H.M.O.P.No.4093 of 2012 pending on the file of the Principal Family Court, Chennai, to the file of the Principal Family Court, Pondicherry.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.Learned counsel for the petitioner/wife submitted that the petitioner is residing along with her parents at Pondicherry and since she has no financial support, it is very difficult to attend the Court at Chennai for each and every hearing. Hence, he pray to transfer the case in H.M.O.P.No.4093 of 2012 from the file of the Principal Family Court, Chennai and transfer the same to the Principal Family Court, Pondicherry . He would also pray for early disposal of the case in H.M.O.P.No.4093 of 2012.

4.Learned counsel for the respondent/husband submitted that the respondent/husband is aged about 58 years and hence, he also find it difficulty to travel from Chennai to Pondicherry. Hence, he prayed for dismissal of the petition.

5.Considered the rival submissions made by both sides and perused the typed set of papers.

6.Considering the arguments of both sides and since both the petitioner/wife is residing within the jurisdiction of the Principal Family Court, Pondicherry, I am inclined to order transfer. The Presiding Officer, Principal Family Court, Chennai, is directed to transmit all the records pertaining to H.M.O.P.No.4093 of 2012 to the Principal Family Court, Pondicherry, within a period of fifteen days from the date of receipt of a copy of this order. The Presiding Officer, Principal Family Court, Pondicherry, is directed to dispose of the petition in H.M.O.P.No.4093 of 2012, after giving fair opportunity to both sides, within three months from the date of receipt of the material papers.

7.With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Principal Family Judge, Chennai.
- 2.The Principal Family Judge Pondicherry.

+1 cc to Mr.Thilageswaran Advocate sr.65080
+3 ccs to Mr.Veeramani Advocate sr.64849

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