



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

TR. C.M.P. No. 51 of 2015

&

M.P. No. 1 of 2015

M. Kavitha

..Petitioner

Vs.

C. Shanmugam

..Respondent

Prayer: Petition filed under section 24 of CPC to withdraw H.M.O.P. No. 19 of 2014 on the file of Family Court at Puducherry and transfer the same to the file of Principal Sub Court, Kumbakonam or to other Additional Sub Court at Kumbakonam.

For Petitioner :: Mr.M. Rajasekhar

For Respondent :: No appearance

O R D E R

The petitioner/wife is before this Court seeking transfer of H.M.O.P. No. 19 of 2014 filed by the respondent/husband for divorce before the Family Court, Puducherry, to the file of Principal Sub Court, Kumbakonam where the petitioner's maintenance case in M.C. No. 3 of 2014 is pending.

2. Though the respondent has been served twice and his name is also printed in the cause list, no one has entered appearance on his behalf. Hence, this Court proceeds to decide the matter on merits.

3. According to the petitioner, she got married to the respondent on 09.12.2012 at Swamimalai Temple. Subsequent to the marriage, it is alleged by the petitioner that the respondent did not perform his marital obligations, which resulted in disputes between them. As a consequence thereof, the respondent sent the petitioner to her parents' house and thereafter, filed H.M.O.P. No.



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19 of 2014 before the Family Court, Puducherry, for divorce, on the ground of cruelty. The petitioner, who is dependent on her aged father, filed M.C.No. 3 of 2014 before the Principal Sub Court, Kumbakonam, under Section 125 Cr.P.C. seeking a sum of Rs.10,000/- as maintenance. According to the petitioner, since she is living with her aged parents at Kumbakonam, it is very difficult for her to travel about 300 Kms to Puducherry, to attend the hearing at Family Court, Puducherry, where H.M.O.P. No. 19 of 2014 is pending. Hence, she seeks transfer of the said H.M.O.P. to the file of Principal Sub Court, Kumbakonam, where the maintenance case is pending.

4. Considering the fact that the petitioner is living with her aged parents and that it may not be possible for her to travel a distance of 300 Kms, from Kumbakonam to Pondicherry, to appear before the Family Court, Puducherry, where H.M.O.P. No. 19 of 2014 is pending, the said H.M.O.P. is withdrawn from the file of Family Court, Puducherry and transferred to the file of Principal Sub Court, Kumbakonam, to be tried along with M.C. No. 3 of 2014. The transfer C.M.P. is ordered accordingly. No costs. Connected M.P. is closed.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

nv

To

1. The Family Court, Puducherry.

2. The Prl. Sub Court, Kumbakonam.

1 cc to Mr.M. Rajsekhar, Advocate, sr. 11401

Tr.C.M.P. No. 51 of 2015

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