

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Transfer C.M.P.No.854 of 2015

and M.P.No.1 of 2015

Sharmila Mary Karanam

... Petitioner

Versus

Jacob John Britto

... Respondent

This Petition filed under Section 24 of C.P.C. praying for withdrawal of M.O.P.No.342 of 2014 pending on the file of the Family Court, Pondicherry and transfer the same to the Sub-Court, Karaikal.

For Petitioner : Mr.P.Parthiban

For Respondent : No appearance

O R D E R

The petitioner filed this Transfer Civil Miscellaneous Petition seeking transfer of the proceedings in M.O.P.No.342 of 2014 from the file of the Family Court, Pondicherry to the Sub Court, Karaikal.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, in spite of printing his name in the cause list, after due service through Court.

3. The respondent initiated the proceedings in M.O.P.No.342 of 2014 for restitution of conjugal rights, before the Family Court at Pondicherry. The petitioner, on appearance before the Court, filed this petition for Transfer.

4. The learned counsel for the petitioner has submitted that during the currency of the transfer petition, the petitioner filed M.O.P.No.28 of 2016 before the Family Court, Karaikal, praying for a decree of divorce.

5. The petitioner is stated to be a permanent resident of Karaikal. The proceedings in M.O.P.No.342 of 2014 is pending before the Family Court at Pondicherry. According to the petitioner, it would not be possible to her to appear before the Court at Pondicherry and to defend the proceedings. Moreover, she filed a petition in M.O.P.No.28 of 2016 and the same is now pending before the Family Court at Karaikal. In view of the background facts, the petitioner must succeed.

6. In the result, the proceedings in M.O.P.No.342 of 2014 is withdrawn from the file of the Family Court, Pondicherry and is transferred to the Family Court, Karaikal, for trial along with M.O.P.No.28 of 2016.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Judge
The Family Court,
Pondicherry.
2. The Subordinate Judge
Karaikal.

+1 cc to Mr.P.Parthiban Advocate sr 53444/16

Transfer C.M.P.No.854 of 2015

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