

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN,

Tr.C.M.P.No.904 of 2015

M.P.No.1 of 2015

Punithavalli

.... Petitioner

vs.

T.Vijayakumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in HMOP No.154 of 2015 on the file of Principal Subordinate Judge, Thiruvannamali and transfer the same to the file of Hon'ble Family Court at Puducherry.

For Petitioner : Mr.K.Sasindran

For Respondent : Mrs.V.Yamuna Devi

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the original petition in H.M.O.P.No.154 of 2015 from the file of Principal Subordinate Court, Thiruvannamalai and transfer the same to the Family Court, Puducherry for disposal on merits.

2. The petitioner is the wife of the respondent. Their marriage was solemnized on 09.06.2014 at Puducherry. Since the parties were not in a position to lead a peaceful matrimonial life, the respondent filed a divorce petition H.M.O.P.No.154 of 2015 before the Sub Court, Thiruvannamalai. The petitioner, on appearance before the trial Court, filed this petition for transfer on the ground that being the resident at Puducherry, it would not be possible for her to travel to Thiruvannamalai and prosecute the divorce proceedings. According to the petitioner, the respondent is presently working at Thindivanam and as such, it would not be difficult for him to conduct the proceedings, in case it is transferred to Puducherry.

3. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.

4. The respondent filed the proceedings in H.M.O.P.No.154 of 2015 at Thiruvannamalai, while he was working there.

5. The petitioner is stated to be a house wife. The respondent is working as a Bank Manager at Thindivanam. The proceedings are pending before the Sub Court, Thiruvannamalai.

6. In view of the factual matrix and taking into account the present position of the petitioner and the respondent, I am of the view that the matter requires to be transferred to the Family Court, Puducherry.

7. In the result, the proceedings in H.M.O.P.No.154 of 2015 is withdrawn from the file of the Principal Subordinate Judge, Tiruvannamalai and transferred to the file of Family Court, Puduchery for disposal in accordance with law.

8. The learned counsel appearing for the respondent would submit that the respondent should be given liberty to make an application before the Family Court, Puducherry to dispense with his personal appearance.

9. In view of the difficulties expressed by the respondent through the learned counsel, he is given liberty to make an application before the Family Court, Puducherry to dispense with his personal appearance. It is open to the trial Court to ensure the presence of the respondent on the effective dates of hearing.

10. The learned Judge, Family Court, Puducherry is requested to dispose of the proceedings in H.M.O.P.No.154 of 2015 as expeditiously as possible.

11. This Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

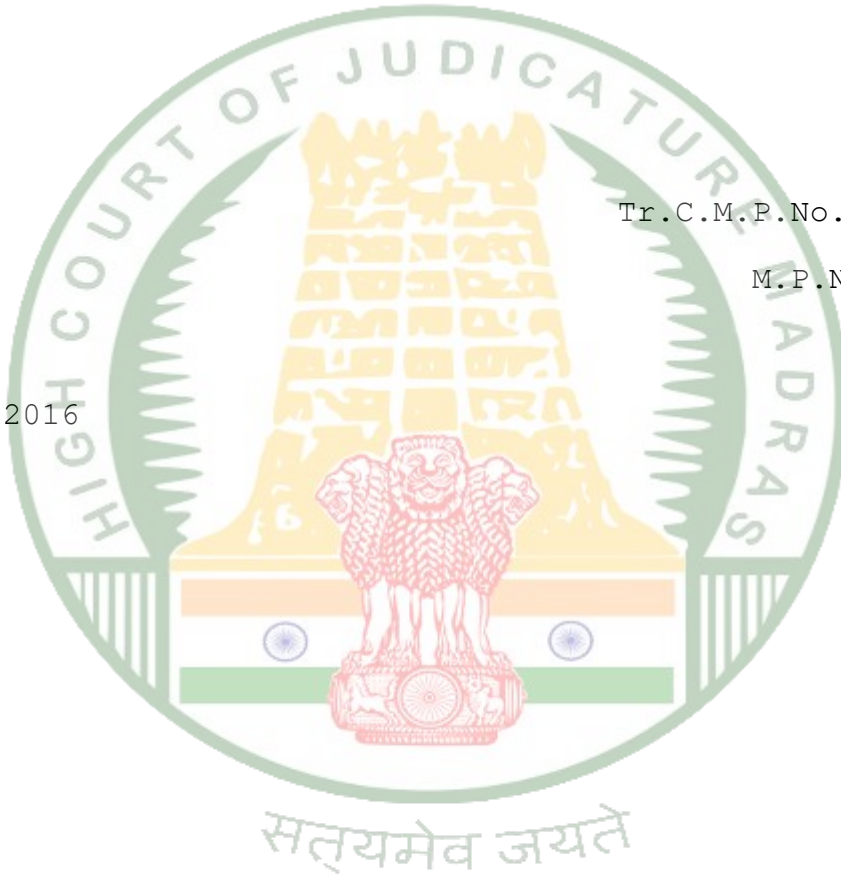
1.The Principal Subordinate Judge,
Principal Sub Court, Tiruvannamali.

2.The Judge Family Court,
Puducherry.

+lcc to Mr.K.Sasindran, Advocate Sr.50790
+lcc to Mrs.V.Yamunadevi, Advocate Sr.50936

Tr.C.M.P.No.904 of 2015
and
M.P.No.1 of 2015

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srg 27/09/2016



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