

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.489 of 2016

Revathi : Petitioner/Respondent

versus

Jayaprakash : Respondent/Petitioner

Transfer Petition filed to withdraw MOP No.284 of 2014 pending on the file of learned Family Court Judge, Pondicherry and transfer the same to the learned Family Court at Chennai.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.V.L.Nehru

O R D E R

The petitioner initiated proceedings in MOP 284 of 2014 against the petitioner, praying for a decree of divorce. The matter is pending before the Family Court, Puducherry. The petitioner has come up with this transfer petition on the ground that she is presently residing at T.Nagar and as such, it would not be possible for her to appear before the Family Court, at Puducherry to defend the proceedings in MOP No.284 of 2014.

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

3.The petitioner is making a claim that she is presently residing at T.Nagar, Chennai. The respondent contested the subject claim on the ground that the petitioner has been staying at Tindivanam along with her parents and all the notices sent to her were served at Tindivanam. According to the respondent, the petitioner has given residential address at T.Nagar for the purpose of transfer and as such, there is no bona fides in filing this transfer petition.

4. None of the documents produced by the petitioner indicate that she is residing at T.Nagar. The respondent is therefore prima facie correct in his contention that the petitioner is even now residing only at Tindivanam. When a query was made to the learned counsel for the petitioner as to whether in the ration card issued by the authorities with respect to house at Tindivanam, name of the petitioner is included, the learned counsel submitted that the petitioner's name is found mentioned along with her parents name in the ration card. Therefore, it is prima facie clear that the petitioner is a resident of Tindivanam.

5. The learned counsel for the petitioner finally submitted that the petitioner has no objection in transferring the petition to Family Court, Tindivanam. The learned counsel for the petitioner also has no objection for such transfer. In view of the consensus arrived at between the parties, the proceedings in MOP No.284 of 2014, is withdrawn from the file of Family Court, Puducherry and transferred to the file of Subordinate Court, Tindivanam for disposal.

6. The transfer petition is disposed of as indicated above. No costs. Consequently, C.M.P.No.13336 of 2016 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tar
To

1.The Family Court Judge,
Pondicherry.

2.The Subordinate Judge,
Tindivanam.

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