

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1000 of 2017
and 20247 of 2017

Sharmila .. Petitioner/Respondent

-Vs.-

Raghuraman .. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the case in H.M.O.P.No.92 of 2017 on the file of the Principal Sub Judge, Tindivanam and to transfer the same on the file of the Family Court, Puducherry.

For petitioner ... Mr.S.C.Vishwanth

For Respondent ... Mr.G.Baskar

O R D E R

The transfer petition is filed by the petitioner-wife seeking to withdraw and transfer the H.M.O.P.No.92 of 2017 pending on the file of the Principal Sub Court, Tindivanam to the file of the Family Court, Puducherry.

2. The respondent-husband has filed the above H.M.O.P.No.92 of 2017 under Section 9 of the Hindu Marriage Act, 1955 on the file of the Principal Sub Court, Tindivanam for restitution of conjugal rights.

3. In paragraphs 5 and 6 of the affidavit filed in support of the petition, it is stated that both the petitioner-wife and respondent-husband are residing at Puducherry. The respondent-husband is also employed at Puducherry. She also further stated that she is having a minor son aged 2½ years, who is suffering from nervous issues and attack of fits. Hence, she is not in a position to leave her child alone at the time of attending the Court hearings at Tindivanam.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

5. Learned counsel appearing for the respondent submitted that the respondent has got no serious objection in allowing this petition.

6. Considering the submission made by the learned counsel for the petitioner and as the respondent has got no serious objection in transferring the petition to the Family Court, Puducherry, this Tr.C.M.P is allowed and H.M.O.P.No.92 of 2017, pending on the file of the Principal Sub Court, Tindivanam is withdrawn and transferred to the file of the Family Court, Puducherry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Principal Subordinate Judge, Tindivanam
2. The Judge, Family Court, Puducherry.

+1 cc to Mr.S.C.Vishwanth Advocate sr 11999
+1 cc to Mr.G.Baskar Advocate sr 12006

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