

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.28 OF 2019
AND CMP NO.1177 OF 2019

K.Iswariya ... Petitioner/Respondent

Vs.
Santharam ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw M.O.P.No.116 of 2018 on the file of the Hon'ble Family Court, Villupuram and transfer the same to the file of Hon'ble Family Court, Puducherry.

For Petitioner : Mr.Antoni
for M/s.Achari & Antoni Associates
For Respondent : No appearance

O R D E R

The petitioner/wife filed this Transfer Civil Miscellaneous Petition seeking to withdraw M.O.P.No.116 of 2018 pending on the file of the Family Court, Villupuram and transfer the same to the Family Court, Puducherry.

2. The petitioner is the wife. She is a resident of Puducherry. The respondent / husband filed a petition for restitution of conjugal rights before the Family Court, Villupuram, whereas, the petitioner / wife filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, before the learned Judicial Magistrate-II, Puducherry and also sought for maintenance and compensation from the respondent / husband.

3. The learned counsel for the petitioner would submit that the petitioner has undergone miscarriage and that she cannot travel from Puducherry to Villupuram. Whereas, the respondent / husband is attending the Domestic Violence Case filed by the petitioner, at Puducherry. Therefore, considering the convenience of the parties, the petitioner / wife seeks transfer of the petition viz., M.O.P.No.116 of 2018 filed by the husband

from Family Court, Villupuram to Family Court, Puducherry.

4. Admittedly, the petitioner is a resident of Puducherry and that she has some medical problems. Considering the physical ailment and mental agony caused to the petitioner / wife, this Court is inclined to transfer the petition filed by the respondent / husband to Puducherry.

5. Accordingly, M.O.P.No.116 of 2018 filed by the respondent / husband, pending on the file of Family Court, Villupuram is withdrawn and transferred to Family Court, Puducherry, to be tried along with the case filed by the petitioner under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

6. Since the Domestic Violence Case filed by the petitioner against her husband is pending before the Judicial Magistrate-II, Puducherry, a direction is issued to the learned District Judge, Puducherry, to refer both the matters to the Mediation Centre attached to the Family Court, Puducherry, after issuing notice to both the parties.

7. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Judge, Family Court, Villupuram.

2.The Judge,Family Court, Puducherry.

3.The Judicial Magistrate - II
Puducherry.

4.The District Judge
Puducherry.

+lcc to Mr. Achari & Antoni Associates, Advocate, S.R.No.16145

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