

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.339 of 2018

K.Ponni .. Petitioner

-vs-

P.Nagarajan .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.2 of 2017 on the file of the Principal Subordinate Court, Tindivanam and transfer the same to the file of the Family Court, Pondicherry to be tried along with the petition for restitution of conjugal rights filed by the petitioner in M.O.P.No.140 of 2016.

For Petitioner :: Mr.B.Suresh

For Respondent :: No appearance

ORDER

Mrs.K.Ponni, wife of P.Nagarajan, the respondent herein has come to this Court seeking withdrawal of the H.M.O.P.No.2 of 2017 from the Principal Sub Court, Tindivanam filed by the respondent/husband seeking divorce and transfer the same to the Family Court, Pondicherry, wherein she has already filed M.O.P.No.140 of 2016 seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, so that both the matters can be clubbed together, which will also help both the parties to get an expeditious disposal of the cases.

2. Learned counsel for the petitioner also submitted that though the petitioner is going for daily wage work in Pondicherry, she is not even paid with the wages so far. While so, it is highly difficult for her to undertake a long journey from Pondicherry to Tindivanam. Moreover, her employer will not grant her leave frequently to attend the proceedings. Besides, she is also having two minor children who are studying First standard and LKG in a school at Pondicherry.

3. The notice sent by the Registry has been served upon the respondent on 21.6.2019. However, he has not chosen to appear before this Court. That clearly shows that he has no objection for allowing the transfer civil miscellaneous petition.

4. Since the petitioner is a daily wage earner working in Pondicherry and also taking care of her two minor children, this Court, accepting the prayer for transfer, withdraws the H.M.O.P.No.2 of 2017 from the file of Principal Sub Court, Tindivanam and transfers the same to the Family Court, Pondicherry so that the H.M.O.P.No.2 of 2017 can be tried along with M.O.P.No.140 of 2016 on merits. Accordingly, the transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.8685 of 2018 stands closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Subordinate Judge
Tindivanam

2. The Family Court Judge
Pondicherry

+1 CC to Mr.S.B. Viswanathan, advocate sr 64887

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SP(04/09/2019)