



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P.NO.599 OF 2019

AND

C.M.P.NO.17267 OF 2019

P.Sandhiya ... Petitioner

Vs.

P.Pugalendhi ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the HMOP. No.207 of 2019 pending on the file of the Family Court, Cuddalore and transfer the same to the file of the Family Court, Puducherry.

For Petitioner : Mr.Vishwanath.S.C.

For Respondent : Mr.L.S.M.Hasan Fizal

For Mr.K.Arunagiri

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the case in HMOP. No.207 of 2019 pending on the file of the Family Court, Cuddalore and transfer the same to the file of the Family Court, Puducherry.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between them on 15.09.2014 as per the Hindu Rites and Customs. Out of the wedlock, a female child namely Kalaiarasi was born to them on 18.11.2015. Due to repeated tortures given by the respondent, the petitioner had lodged a complaint before the All Women Police Station, Villiyanur and another complaint has lodged before the Reddiarpalayam Police Station. As a counter blast, the respondent has sent a notice through his counsel for restitution of conjugal rights. The petition has filed before the Family Court, Cuddalore in HMOP. No.207 of 2019. The petitioner/wife is the resident of Villiyanur, Puducherry. She finds it difficult to travel from Villiyanur to Cuddalore to attend the Court proceedings. Therefore, she seeks transfer of the case filed by the husband.

3. The learned counsel for the petitioner/wife would submit that the child is studying in LKG and now the petitioner along with her child is residing at her parental house at Villiyanur.



The distance between from Villiyanur to Cuddalore is comes around 66 kms. to and fro. The petitioner is not in a situation to leave her daughter alone at home and also no one is there to take care of the child. Hence, it is very difficult for the petitioner to travel from Villiyanur to Cuddalore. Because of this, she is facing physical issues. Therefore, it will be appropriate to transfer the case filed by the husband from Cuddalore to Puducherry.

4. The learned counsel for the respondent/husband would submit that the father of petitioner is a politician and very well influenced person in that area. If the case is transfer to Cuddalore to Puducherry, it may cause serious harm to the respondent's life. The petitioner's family is having money and muscle power. Therefore, it is very hard and dangerous for the respondent to appear before the Puducherry Court. Hence, the respondent prays to dismiss this petition filed by the petitioner.

5. Heard the learned counsel for the petitioner as well as the respondent and also perused the materials available on record.

6. Considering the convenience of both the parties, this Court is inclined to transfer the case from Cuddalore to Puducherry. Accordingly, HMOP. No.207 of 2019 pending on the file of the Family Court, **\*Cuddalore** is withdrawn and transferred to the file of the Family Court, Puducherry.

7. In view of the submissions made by both the counsel, this Court directs both the parties to maintain discipline and decorum before the Court below and also cooperate with the proceedings.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

**\*Corrected as per order  
of this Court dated 20/01/2020  
made in Tr.CMP.No.599/2019**

Sd/-

**Assistant Registrar**

//True Copy//

Sub Assistant Registrar



rli  
To

WEB COPY

1. The Judge, Family Court, Cuddalore.
2. The Judge, Family Court, Puducherry.

To be Substituted  
to the order already  
despatched on  
10.01.2020

+1cc to Mr.Vishwanath.S.C., Advocate, S.R.No.\***3337**

+1cc to Mr.K.Arunagiri, Advocate, S.R.No.88307

TR.C.M.P. No.599 of 2019  
and  
C.M.P.No.17267 of 2019

NMI (CO)  
CS/28/11/2019  
nr 20/01/2020