

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2019

Coram

THE HON'BLE MRS. JUSTICE BHAVANI SUBBAROYAN

Tr.C.M.P.No.593 of 2019

and

C.M.P.No.17072 of 2019

Neena S. Maheen

...Petitioner/Defendant

Vs.

Shameem Shajahan

...Respondent/Plaintiff

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Cr.P.C., to withdraw the case in O.S.No.8 of 2019 on the file of t he III Additional Family Court, Chennai and to transfer the same to the competent Court at Puducherry.

For Petitioner : Mr.V.Ajaykumar

For Respondent : Mr.D.Prasanna

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw the case in O.S.No.8 of 2019 on the file of t he III Additional Family Court, Chennai and to transfer the same to the competent Court at Puducherry.

2. The respondent and the petitioner are husband and wife. The marriage between the petitioner and the respondent was solemnized on 11.05.2017 at Trivandrum. After the marriage, the petitioner was residing in the matrimonial house for sometime. The respondent's mother demanded dowry from the petitioner. Due to physical torture and harassment , the petitioner left the matrimonial home and she came to her parental house. On several occasions, the respondent and his mother demanded dowry. When the same was refused by the petitioner and his father, the respondent has driven out the petitioner from the matrimonial home. Thereafter, the respondent has filed an Original Suit in O.S.No.08 of 2019 before the III Additional Family Court, Chennai for restitution of conjugal rights. The petitioner has also filed a Domestic Violence Case in DVC No.41 of 2018 before the learned Judicial Magistrate-I, Puducherry and the same is

pending. The petitioner/wife is a resident of Puducherry. Hence, she seeks transfer of the case filed by the husband from Chennai to Puducherry.

3. The learned counsel for the petitioner would submit that the the petitioner is residing in her parental home at Puducherry. The petitioner's father died on 25.03.2019. The loan which was taken by the petitioner's father, is kept pending and SARFAESI proceedings are being met by the petitioner's family. Because of this, the petitioner and her family members are facing financial troubles. It is very difficult for her to travel alone from Puducherry to Chennai to attend the court hearings. Hence, the petitioner came this Court by way of this petition, seeks transfer of the case pending before the III Additional Family Court, Chennai to the file of the Family Court, Puducherry.

4. The learned counsel appearing for the respondent would submit that the respondent has denied all the allegations made by the petitioner and he is ready and willing to rejoin with the petitioner. The learned counsel prays this Court to dismiss this case.

5. The learned counsel for the petitioner would submit that there is no chance of reunion with the respondent.

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

7. The learned counsel for the respondent submitted that he is willing to rejoin with the petitioner. But the same was refused by the petitioner. Further the respondent has no objection to transfer the case to Puducherry. It is seen from the records that the petitioner and the respondent are the husband and wife and they have filed two different case at two different places.

8. Considering the convenience of the parties, this Court is inclined to withdraw the case in O.S.No.08 of 2019 on the file of the III Additional Family Court, Chennai and transfer the same to the Family Court, Puducherry.

8. Accordingly, O.S.No.08 of 2019, on the file of the III Additional Family Court, Chennai is to be withdrawn and transferred to the file of the Family Court, Puducherry.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Family Court, Puducherry.
2. The Judge,
The III Additional Family Court, Chennai.

+1cc to Mr.V.Ajayakumar, Advocate Sr.89610
+2cc to Mr.D.Prasanna, Advocate Sr.89612

Tr.C.M.P.No.593 of 2019
and
C.M.P.No.17072 of 2019

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srg 04/12/2019