

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.11.2019
CORAM:
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.CMP.No.705 of 2019
and
C.M.P.No.20006 of 2019

Priya Harshini

...Petitioner/Respondent

Vs

Ram Manohar

...Respondent/Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in MOP No.383 of 2019 pending on the file of Family Court, Pondicherry and transfer the same to Sub Court at Tambaram.

For Petitioner : Mr.R.Sankar Ramasamy

For Respondents : Mr.M.Chitra Baraneetharan

J U D G M E N T

The petitioner herein is the wife of the respondent, who filed the present petition to withdraw the MOP No.383 of 2019 pending on the file of Family Court, Pondicherry and transfer the same to Sub Court, Tambaram.

2. The learned counsel for the petitioner submits that the petitioner got married to the respondent on 01.05.2017 at Sanandaa Kalyana Mandapam, Rajakilpakkam, East Tambaram, Chennai - 600 073, as per Hindu rites and customs. After the marriage several differences aroused between the parties and the petitioner driven out from the matrimonial home and at present she is residing at Shankar Nagar, Pammal, Chennai - 600 045 and working as Operational Analyst in Concentrix, a Business Services Company. The husband had filed a divorce petition on the ground of cruelty against the petitioner herein before Family Court, Pondicherry and she submits that her parents are aged persons and she has to take care of her parents as her brother is working and residing at Bangalore. Hence she prayed for transfer of the petition filed by the husband from the Family Court, Pondicherry to Sub Court, Tambaram. She also submits that Tambaram Court has proper jurisdiction as the

marriage held at Sanandaa Kalyana Mandapam, Ralajkilpakkam and she is residing at Pammal and no prejudice would cause to the husband also, if he attends to the Court at Tambaram.

3. The learned counsel appearing for the respondent submits that they filed a counter affidavit stating that the petitioner's father and mother have properties at Pondicherry itself and the averment made by the petitioner, that her brother is working at Bangalore and she is residing at Pammal has denied and petitioner is residing at Bangalore along with her parents and without any proof of residence, Identity card or pay slip as she is working in that company, she filed this transfer petition. The respondent submits that she has cooked up a story and the averment that she is residing with her parents is a blatant lie. The petitioner can travel to Pondicherry and she used to travel from Pondicherry to Bangalore to meet her brother. Hence, it would not cause any inconvenience to reside in Pondicherry and she can stay in their relatives and friends house to attend the hearings. It is also submitted by the husband that he is working as Manager in a Indian Bank and recently he has transferred to Nakkampadi Village in Tiruvarur District and he also have to travel Pondicherry to attend proceedings in Court and he is a Manager having a good background and the averments made by wife is false. As it could be seen from the affidavit and counter affidavit that at present, the wife is residing at Shankar Nagar, Pammal and the husband is residing at Nakkampadu, Tiruvarur District, where he has been posted in Bank.

4. In the interest of justice, as it would be convenient for both the parties to attend the proceedings at Sub Court and based on the Hon'ble Supreme Court decision, this Court is inclined to transfer the petition in MOP.No.383 of 2019, filed by the husband for divorce to Sub Court, Tambaram and the parties are directed to maintain the decorum in the Court premises.

4. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

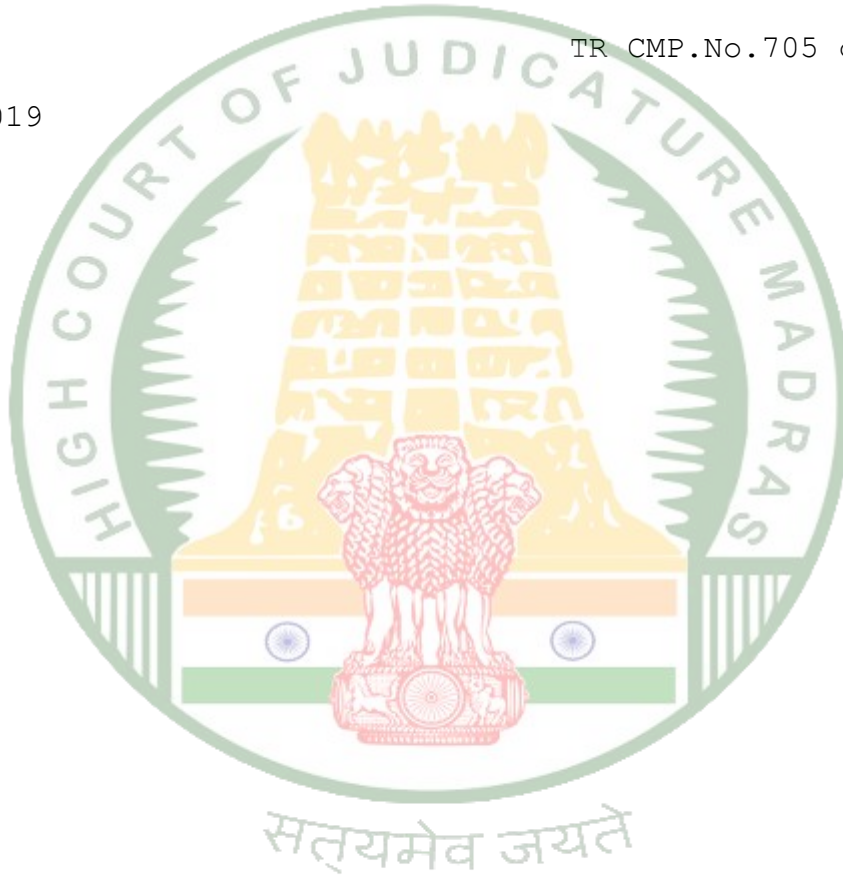
To
1.The Family Court,
Pondicherry

2.The Sub Court
Tambaram

+1 cc to Mr.Sankar Ramasamy Advocate sr91936

TR CMP.No.705 of 2019

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