

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2020
CORAM
THE HONOURABLE MR.JUSTICE T.RAJA
Tr.C.M.P.No.185 of 2020

J.Priya .. Petitioner/Respondent

Versus

M.Jaganathan .. Respondent/petitioner

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw F.C.O.P.No.353 of 2019 pending on the file of learned Family Court, Chengalpet, and to transfer the same to the file of learned Family Court, Pondicherry.

For Petitioner : Mr.Sharath Chandran

For Respondent : No Appearance

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer F.C.O.P.No.353 of 2019 from the file of learned Family Court, Chengalpet, to the file of learned Family Court, Pondicherry. The above said FCOP was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 23.11.2015 at Pondicherry. After the marriage, she conceived but due to physical assault by the husband, the child was aborted. Thereafter, she came to her parental home at Pondicherry and she was advised to file a complaint under the Domestic Violence Act and the same is pending at Pondicherry in DV.SR.No.3040 of 2020. Besides, she has also moved an application in DV case seeking for maintenance and the same is pending at Family Court, Pondicherry. Therefore, since the above said two cases filed by the petitioner/wife are pending at Pondicherry, the respondent/husband has to come to Pondicherry

to attend each and every hearing, hence, the above FCOP filed by the husband seeking for restitution of conjugal rights pending on the file of learned Family Court, Chengalpet, may be transferred to the file of learned Family Court, Pondicherry. It is further submitted that the respondent/husband is working in Standard Chartered Bank at Chengalpet, but, the petitioner/wife is jobless.

4. Although notice through Court was served on the respondent/husband, no one turned up to represent the case. Therefore, considering the fact that the case filed by the wife under the Domestic Violence Act is pending in SR stage in DV.SR.No.3040 of 2020 along with the maintenance case at Pondicherry, for which, the respondent/husband has to appear in each and every hearing, for the balance of convenience, this Court is inclined to transfer the case filed by the husband to the file of learned Family Court, Pondicherry. Accordingly, F.C.O.P.No.353 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Chengalpet, consequently, transferred to the file of learned Family Court, Pondicherry. On such transfer, learned Family Court, Pondicherry, shall dispose of the same in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.5914 of 2020 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. Family Court, Chengalpet.
2. Family Court, Pondicherry.

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