

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.02.2020
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
Transfer C.M.P.No.903 of 2019

M.Deepika

... Petitioner

vs.

1.

G.Surendar

... Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the case in M.O.P.No.260 of 2019 on the file of the Family Court at Pondicherry to the file of the Family Court at Salem.

For Petitioner : Mr.T.Shanmugam
For Respondent : Ms.S.Thenmozhi Shiva perumal
Mr.L.Jegadeesan

O R D E R

Petitioner/wife, who is presently residing in Tiruchengode, Namakkal District, has come up with this Transfer Civil Miscellaneous Petition, seeking to withdraw the proceedings in M.O.P.No.260 of 2019 pending on the file of the Family Court at Pondicherry and transfer the same to the file of the Family Court at Salem.

2. It is no doubt true that, Section 19(3) of the Hindu Marriage Act, 1955 gives liberty to the wife to file a case where she is residing. Also, Section 24 C.P.C. empowers the Court to transfer a case from one Court to another. Such provisions are applicable only in cases, where the Petitioner/wife approaches the Court with clean hands.

3. In the original Affidavit, the Petitioner/wife has sought transfer of the proceedings from the Family Court at Pondicherry to the Family Court at Salem, only on the ground that she is residing in Tiruchengode, Namakkal District, along with her parents and that, it is difficult for her to travel a long way from Tiruchengode to Pondichery.

4. In the counter filed by the Respondent, it is stated that the Petitioner has suppressed the fact that, she was previously working as a Senior Software Engineer in Accenture

Private Limited, Chennai, and the present employment as a Senior Associate - Projects, Quality Engineering and Assurance, M/s.Cognizant Technology Solutions, SEZ Avenue, ELCOT SEZ, Sholinganallur, Chennai.

5. Hence, this Court, by an order dated 23.01.2020, directed the Petitioner to file an Affidavit as to whether she is employed or not.

6. Today, learned counsel for the Petitioner produced the Affidavit dated 17.02.2020 filed by the Petitioner. For better understanding, relevant portion of the said Affidavit is extracted below:

"4. I submit that I had resigned my job in the 1st week of November itself. I conveyed the same to my Company Home Manager and I was advised by my higher officials to continue till the month of January and in the month of January, I submitted by resignation through Online Portal on 28.01.2020. I further state that I am residing in the above said address at Thiruchengode, Namakkal District, along with my parents, which is far away from the Court at Pondicherry."

7. In her original Affidavit, the Petitioner has not stated that, she is employed. Whereas, in the Affidavit dated 17.02.2020, the Petitioner has averred that, she has resigned her job recently. Thus, it is clear that, only for transfer of the divorce proceedings, the Petitioner has suppressed the fact of her employment in Chennai. As the Petitioner has approached this Court with unclean hands, this Court is not inclined to grant the relief sought by her.

8. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected C.M.P.No.24648 of 2019 is closed.

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Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

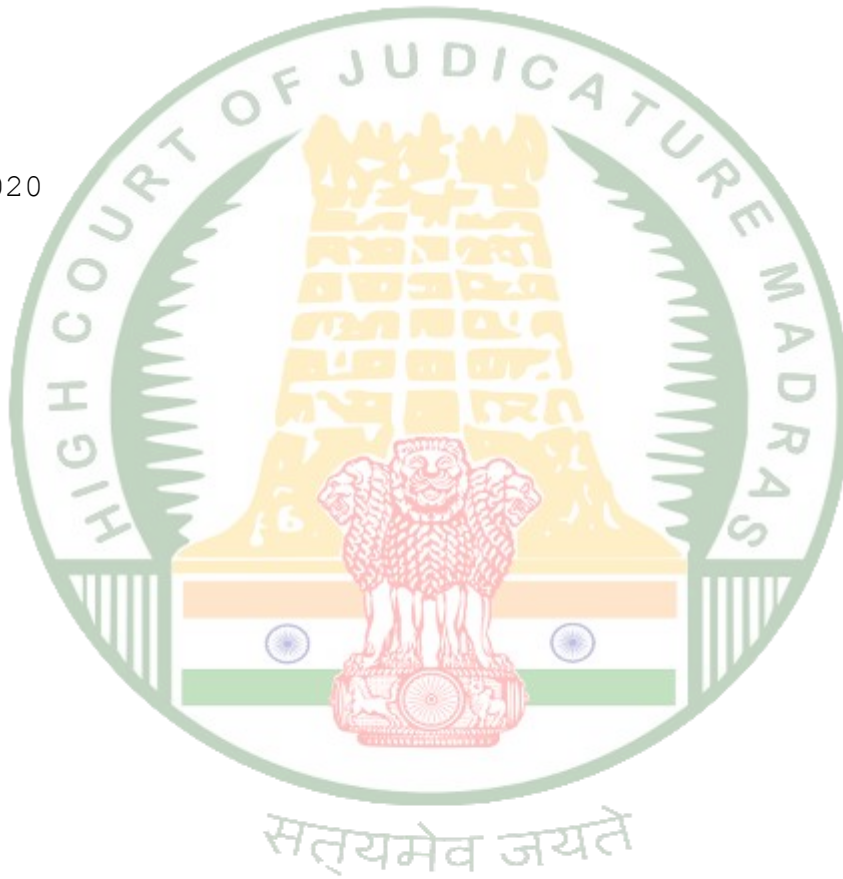
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To :
The Judge
Family Court at Pondicherry.

+2 ccs to mr.S.Thenmozhi Shiva Perumal Advocate
sr 14774
+1 cc to Mr.T.Shanmugam Advocate sr14897

Tr.C.M.P.No.903 of 2019

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