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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

T.R.CMP.NO.100 OF 2021

AND

C.M.P.NO.3403 OF 2021

Nishanthi

... Petitioner

.Vs.

Yuvaraja

... Respondent

PRAYER:-

Transfer civil miscellaneous petition filed under Section 24 of C.P.C., seeking to withdraw the H.M.O.P.No.75 of 2020 on the file of the Sub-ordinate Judge, Panruti and transfer the same to the learned Family Court at Pondicherry.

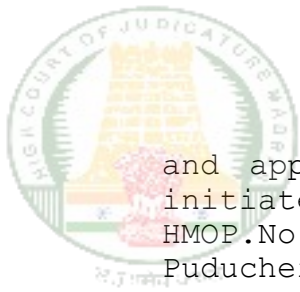
For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.R.Venkatachalapathy

O R D E R

The wife/petitioner herein seeks transfer of HMOP.No.75 of 2020 pending on the file of the Sub-Court, Panruti filed by the husband seeking divorce on the ground of cruelty. The sole ground, on which transfer is sought for is convenience of wife.

2. Admittedly, the wife is a resident of Puducherry and the husband is a resident of Panruti. It is also stated that the husband is employed in Sharjah therefore, the conduct of the proceedings either at Panruti or Puducherry may not make a big difference for the husband. However, Mr.R.Venkatachalapathy, learned counsel appearing for the respondent would submit that if the proceeding is transferred to the Family Court, parties will have to appear in person for every hearing, which will cause extreme hardship to the husband, who is admittedly working in Sharjah. He would, at the same time, seek transfer to any Sub-Court in Puducherry so that the husband can engage a counsel



and appear through him. It is also stated that the wife has initiated proceedings for restitution of conjugal rights in HMOP.No.304 of 2021 on the file of the Family Court at Puducherry.

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3. The learned counsel appearing for the parties would submit that both the proceedings can be transferred to Principal Sub-Court, Puducherry to be tried and disposed of together as there is a possibility of conflicting judgments, if the proceedings are tried at different Courts.

4. In view of the above, the proceedings in HMOP.No.75 of 2020 pending on the file of the Sub-Court, Panruti and HMOP.No.304 of 2021 pending on the file of the Family Court, Puducherry are withdrawn and transferred to the Principal Sub-Court, Puducherry to be tried and disposed of in accordance with law. 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 Subordinate Judge,
Panrutti.
2. The Judge,
The Family Court,
Puducherry.
3. The Principal Subordinate Judge,
Puducherry.

T.R.CMP.NO.100 OF 2021 AND
C.M.P.NO.3403 OF 2021

PMK (CO)
PBS/13/12/2021