

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.194 of 2021
and
C.M.P.No.5728 of 2021

[Through video conferencing]

R.Amaleeswari

... Petitioner/Respondent

-vs-

B.Surya Prakash

... Respondent/Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.188 of 2020 on the file of the Family Court, Pondicherry and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.A.Kripakaran

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of the case in H.M.O.P.No.188 of 2020 from the file of the Family Court at Pondicherry and transfer the same to the Family Court at Trichy.

2.The respondent/husband has filed H.M.O.P.No.188 of 2020 before the Family Court at Pondicherry for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having a female child aged about 3½ years and she is residing with her aged parents house at Trichy. The

distance between Trichy to Pondicherry is around 200 kms. Moreover, the petitioner has no source of income and she is depending on her aged mother and in this circumstances, it is very difficult for the petitioner to travel from Trichy to Pondicherry for attending the Court on every hearings in H.M.O.P.No.188 of 2020. Therefore, he seeks to transfer the case from Trichy to Pondicherry.

4.The learned counsel for the respondent/husband has strongly opposed to transfer the case. However, he submitted that if the matter may be referred to mediation center, there is every possibility to settle the issues amicably between the parties themselves.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Considering the facts and circumstances of the case and the submissions made by both the counsel, this Court is inclined to transfer the case to the file of Family Court at Trichy.

7.Accordingly, H.M.O.P.No.188 of 2020 is withdrawn from the Family Court at Poncicherry and transferred to the file of the Family Court at Trichy, for disposal as per law. The Family Court at Pondicherry, is directed to transmit the papers to the file of the Family Court at Trichy, forthwith. The learned Family Judge at Trichy is directed to refer the matter to the mediation center and if mediation fails, then the learned Family Judge, Trichy is directed to dispose of the case in H.M.O.P.No.188 of 2020 on merits and in accordance with law as expeditiously as possible.

8.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy//

Sub Assistant Registrar

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To:

1.The Family Court,
Pondicherry.

2.The Family Court,
Trichy.

+1cc to Mr.K.Thenrajan, Advocate, S.R.No.39708

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NMI (CO)
SU(01/09/2021)