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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.189 of 2021
and C.M.P.No.5655 of 2021

Asha Joshey

...Petitioner

Vs.

Joseph Raja Melvin

...Respondent

Prayer : This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in M.O.P.No.311 of 2020 pending on the file of the Family Court at Pondicherry and transfer the same to the District Court at Cuddalore.

For Petitioner : Mr.K.Elangoo

For Respondent : No appearance

O R D E R

(The case has been heard through video conference)

The petitioner, being the wife of the respondent herein, has come up with the present petition seeking to transfer M.O.P.No.311 of 2020, filed by the respondent for divorce, which is pending on the file of the Family Court, Pondicherry to the file of the District Court, Cuddalore.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her parents house at Neyveli and she finds it very difficult to travel from Neyveli to Pondicherry for attending the Court on every hearings in M.O.P.No.311 of 2020. She also apprehend that there may be some threat to her life if she goes to the Court at Pondicherry as the respondent is a very influential person. Therefore, on the ground of convenience, she seeks to transfer the case from



the Family Court, Pondicherry to the file of the District Court, Cuddalore.

3. It is seen from the records that notice has been served on the respondent through Court on 30.03.2021 and privately on 27.03.2021 and though his name appears in the cause list, he did not appear either in person or through any counsel. Hence, this Court proceeds to pass orders on merit.

4. It is well settled that the wife's convenience should be considered while deciding whether the matrimonial dispute should be transferred to the place of the wife. The petitioner being the wife, her convenience will have some relevance when this Court considers the matters regarding transfer of proceedings. Hence, this Court is inclined to withdraw the M.O.P.No.311 of 2020 from the file of the Family Court, Pondicherry to the file of the Family Court, Cuddalore. The learned Judge, Family Court, Pondicherry is directed to transmit the papers pertaining to M.O.P.No.311 of 2020 to the file of the Family Court, Cuddalore, forthwith. The learned Judge, Family Court, Cuddalore, is directed to dispose of the case in M.O.P.No.311 of 2020 on merits and in accordance with law as expeditiously as possible.

5. The personal appearance of both parties before the Family Court, Cuddalore, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.

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

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

kk



To

1.The Family Court,
Kancheepuram.

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2.The Family Court,
Cuddalore.

+1cc to Mr.K.Elangoo, Advocate SR.No.39020

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VBM(CO)
RVM(25/10/2021)