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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

TR.C.M.P.NO.205 OF 2021
AND
C.M.P.NO.5906 OF 2021

[Through video conferencing]

Ms.Albertina Nithya

... Petitioner

-vs-

D.Rohan Mathew

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw M.O.P.No.42 of 2021 on the file of the Family Court, Pondicherry and transfer the same to the Sub Court, Tambaram.

For Petitioner : Ms.Srividhya Aravindan

For Respondent : Mr.E.V.Chandru

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw M.O.P.No.42 of 2021 on the file of the Family Court, Puducherry and transfer the same to the Sub Court, Tambaram.

2.The respondent/husband has filed M.O.P.No.42 of 2021 before the Family Court at Puducherry for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is living with her aged parents along with her 1½ year old baby at Chennai and she finds it very difficult

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to travel about 160 kms from Chennai to Puducherry for attending the Court on every hearings in M.O.P.No.42 of 2021. Further, as the petitioner has filed a case under the Domestic Violence Act against the family members of the respondent, she apprehend that she may be attacked by the respondent's family members if she goes to the Court at Puducherry. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Family Court, Puducherry to the file of the Subordinate Court, Tambaram.

4.The learned counsel for the respondent/husband has strongly opposed to transfer the case from the file of the Family Court, Puducherry to the file of the Subordinate Court, Tambaram.

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

6.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. Hence, this Court is inclined to withdraw the case in M.O.P.No.42 of 2021 from the file of the Family Court, Puducherry and transfer the same to the file of the Subordinate Court at Tambaram. The learned Judge, Family Court, Puducherry is directed to transmit the papers pertaining to M.O.P.No.42 of 2021 to the file of the Subordinate Court, Tambaram, forthwith. The learned Subordinate Judge, Tambaram, is directed to dispose of the case in M.O.P.No.42 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

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1. The Family Court, Pondicherry.

2. The Subordinate Court, Tambaram.

+1cc to Mr.E.V.Chandru, Advocate, S.R.No.42171

+2ccs to Mr.M.Aravindan, Advocate, S.R.No.42260

Tr.C.M.P.No.205 of 2021
and C.M.P.No.5906 of 2021

GJ(CO)
RLP(17/09/2021)
RLP(29/09/2021)

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