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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

TR CMP No.316 of 2021 and
CMP No.7637 of 2021

Aarthi

...Petitioner

Vs

Balaji

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw M.O.P.No.432 of 2020 on the file of the Family Court, Puducherry to the Subordinate Court, Poonamallee.

For Petitioner : Mr.R.Ramadas

For Respondent : Mr.R.Veeramani

O R D E R

This Civil Miscellaneous petition for transfer is filed by the wife seeking withdrawal and transfer of proceedings in M.O.P.No.432 of 2020 on the file of the Family Court at Puducherry, which has been filed by the respondent/husband for restitution of Conjugal rights.

2. This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife purely on the ground of convenience. It is admitted that the marriage between the petitioner and the respondent was solemnized on 04.07.2019 and they were blessed with a child, aged one month. However, unfortunately, the petitioner/wife is not living together with her husband which prompted the husband/respondent to file the petition for Restitution of conjugal rights. It is submitted that the petitioner is residing in the place which is not less than 140 km away from Pondicherry. However, being a lady, she is unable to travel long distance while having a baby aged one month and the health condition of the petitioner also may not make her comfortable to travel from Kundrathur to Puducherry.

3. Considering the present status and the fact that she is just a home maker, having a tender child, this Court is inclined



to allow this petition for transfer. Accordingly, the Transfer Civil Miscellaneous petition is allowed and the petition in MOP No.432 of 2020 on the file of the Family Court, Puducherry is withdrawn and transferred to the Sub Court, Poonamallee. In case, the petitioner/wife fails to attend the hearing continuously for two hearings, it is open to the respondent / husband to Review this Order. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vum
To

1. The Family Judge,
Puducherry.
2. The Subordinate Judge,
Poonamallee.

+1cc to Mr.R.Veeramani, Advocate Sr.29296

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srg 23/07/2021