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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.CMP.Nos.436 & 819 of 2021
and
CMP.Nos.11325 & 18927 of 2021

P.Susila Devi ..Petitioner in Tr.CMP.No.436 of 2021

S.Murugan ...Petitioner in Tr.CMP.No.819 of 2021

Vs.

S.Murugan @ Saran Raj ..Respondent in Tr.CMP.No.436 of 2021

M.Susila Devi ...Respondent in Tr.CMP.No.819 of 2021

Prayer in Tr.CMP.No.436 of 2021: Transfer civil miscellaneous petition filed under Section 24 of C.P.C., seeking to withdraw HMOP.No.2826 of 2020 on the file of the VII - Additional Family Court, Chennai and transfer the same to the Family Court, Puducherry.

Prayer in Tr.CMP.No.819 of 2021: Transfer Civil Miscellaneous petition filed under Section 24 of C.P.C., seeking to withdraw HMOP.No.179 of 2021 on the file of the Family Court, Puducherry and transfer the same to the file of the VII - Additional Family Court, Chennai.

For Petitioner : Mr.E.Iyappan in Tr.CMP.No.436 of 2021
Respondent in Tr.CMP.No.819 of 2021

For Respondent : Mr.V.Sathish in Tr.CMP.No.819 of 2021
Petitioner in Tr.CMP.No.436 of 2021

C O M M O N O R D E R

The petitioner / wife in Tr.CMP.No.436 of 2021 seeks transfer of HMOP.No.2896 of 2020 on the file of the VII-Additional Family Court, Chennai to the Family Court at Puducherry. Transfer is sought for mainly on the ground of



convenience, since the wife is a resident of Puducherry.

2. In Tr.CMP.No..819 of 2021, the husband seeks transfer of HMOP.No.179 of 2021 file by the wife seeking restitution of conjugal rights before the Family Court at Puducherry. The husband seeks transfer of the same to the Family Court at Chennai, on the ground that his petition for divorce filed earlier in point of time is pending before the Family Court at Chennai.

3. The wife is admittedly is a resident of Puducherry and if we are to look at the convenience of the wife, both the proceedings will have to be tried at Puducherry. However, Mr.V.Sathish, learned counsel appearing for the husband would submit that if the proceedings are transferred to the Family Court at Puducherry, it will be difficult for him as he is working at Chennai and he will be forced to travel to Puducherry for every hearing as personal appearance of the parties is required before the Family Court. In order to mitigate the inconvenience that would be caused to the husband by travelling to the Family Court at Puducherry, I am of the opinion that both the cases could be transferred to the Sub-Court at Puducherry so that the parties can appear through counsel for non-essential hearing. The inconvenience caused to the husband also will be greatly reduced, since he will not be required to attend every hearing in person.

4. Hence, HMOP.No.179 of 2021 on the file of the Family Court, Puducherry and HMOP.No.2826 of 2020 on the file of the VII-Additional Family Court, Chennai are withdrawn and transferred to the Principal Sub-Court, Puducherry to be tried and disposed of in accordance with law.

5. These transfer civil miscellaneous petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:-

1. The VII-Additional Family Court,
Chennai.



2. The Family Court,
Puducherry.

3. The Principal Sub-Court,
Puducherry.

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Tr.CMP.Nos.436 & 819 of 2021
and
CMP.Nos.11325 & 18927 of 2021

NRL (CO)
CT 07/12/2021