



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.5 of 2022

and

C.M.P.No.237 of 2022

Bhuvaneshwari

... Petitioner

Vs

Ramachandran

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to direct withdrawal of HMOP No.106 of 2019 pending on the file of the Sub Court at Attur and transfer the same to Family Court at Puducherry.

For Petitioner : Mr.M.Sankar

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the wife seeking to transfer H.M.O.P.No.106 of 2019 pending on the file of the Sub Court, Attur to the file of the Family Court at Puducherry on the ground that the petitioner is residing within the jurisdiction of the Family Court at Puducherry and that she has a 2 years old child to take care of. She has also contended that the distance between Puducherry and Attur is over 200 Kms., and that she would have to take her child and another person every time she has to attend the case which would not only cause physical strain on her but she would also have to incur huge expenses. This would be an added strain on the petitioner as the respondent husband has not deemed it fit to take steps for maintaining either herself or her son.

2. Further she has initiated proceedings in M.O.P.No.64 of 2021 for restitution of conjugal Rights on the file of the Family Court at Puducherry. In these circumstances she would submit that the petition for divorce filed by the husband be transferred to the Family Court, Puducherry.



3. Respondent though served has not entered appearance either in person or through counsel.

4. In the light of the above compelling reasons this Court is of the view that interest of justice would be subserved if H.M.O.P.No.106 of 2019 pending on the file of the Family Court at Attur is transferred to the Family Court at Puducherry.

5. In view of the above, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P. No.106 of 2021, pending on the file of the Family Court at Attur is withdrawn and transferred to the file of the Family Court at Puducherry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Court at Attur.

2.The Family Court at Puducherry.

+1cc to M/s.M.Sankar, Advocate, S.R.No.14809

Tr.CMP. No.5 of 2022
and
C.M.P.No.237 of 2022

PMK(CO)
SB(25/03/2022)