



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.67 of 2022

&

C.M.P.No.1410 of 2022

M.Revathi

...Petitioner

Vs

T.S.Deepak Raja

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.25 of 2020 on the file of the Hon'ble Subordinate Judge at Virudhunagar and to transfer the same to the file of the Family Court, Pondicherry.

For Petitioner : Mr.R.Sreedhar

For Respondent : No Appearance.

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.25 of 2020, filed by the husband for restitution of conjugal rights on the file of the Subordinate Court, Virudhunagar to the file of the Family Court, Pondicherry.

2. The petitioner would submit that she is residing with her parents at Puducherry and the respondent has never cared to take care of the petitioner and their minor child. The petitioner is working as a Data Analyst in SPI Technologies at Puducherry and she cannot avail frequent leave to attend the hearings. The petitioner is totally depending on her salary for her livelihood and to take care of her minor child. The petitioner would state that her aged parents could not accompany her to attend every hearing. Therefore, the petitioner seeks transfer of the petition filed by the husband in H.M.O.P.No.25 of 2020 on the file of the Subordinate Court, Virudhunagar to the file of the Family Court, Pondicherry .



3. The respondent though served has not entered appearance.

4. Heard the learned counsel for the petitioner and perused the records.

5. Admittedly, the petitioner is residing at Puducherry and Section 19 of the Hindu Marriage Act, 1955, confers Jurisdiction on the place of residence of the respondent wife. Further, the petitioner is working as a Data Analyst at Puducherry and if the petitioner is made to travel to Virudhunagar for every hearing, it will definitely affect her employment.

6. Under these circumstances, the request for transfer is justified and accordingly, the petition is allowed. H.M.O.P.No.25 of 2020 pending on the file of the Subordinate Court, Virudhunagar is withdrawn and transferred to the file of the Family Court, Pondicherry. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Court,
Virudhunagar.

2.The Family Court,
Pondicherry.

Tr.C.M.P.No.67 of 2022

MT (CO)

PR (11/04/2022)