



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.55 OF 2022

AND

C.M.P.NO.1259 OF 2022

Pavithra

... Petitioner/
Respondent

Vs

B.Santhosh

... Respondent/
Petitioner

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw M.O.P.No.572 of 2021 on the file of the Family Court at Pondicherry and transfer the same to any Family Court at Chennai.

For Petitioner : Mr.K.Jothisivam

For Respondent : Mr.M.R.Thangavel

O R D E R

The Petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to withdraw the M.O.P.No.572 of 2021 pending on the file of the Family Court, Pondicherry filed by the husband for dissolution of marriage and transfer the same to the file of the Family Court, Chennai.

2. The petitioner has filed O.P.No.2252 of 2020 under Section 9 of the Hindu Marriage Act, on the file of the V Additional Family Court, Chennai for restitution of conjugal rights. She also filed a petition under Domestic Violence Act in D.V.C.No.28 of 2021 before the Additional Mahila Court, Egmore at Chennai. Subsequently, the respondent-husband has filed M.O.P.No.572 of 2021 on the file of the Family Court,



Pondicherry for dissolution of marriage.

3. The transfer is sought on the following grounds:

a) The petitioner is residing at Chennai along with her mother and grand mother and is wholly depending on them.

b) It would be difficult for her to travel along with her minor girl child to attend each of the hearings at Family Court, Pondicherry, which is far away from her place of residence.

c) Since the Respondent-husband and his family members are the permanent residents of Pondicherry, where they are highly influential persons, the petitioner-wife is under the threat when attending the Court proceedings at Pondichery.

d) As the petitioner's mother and grandmother were afflicted with multiple diseases, coupled with the fact that the mother has underwent operation on her legs, the petitioner has to attend to them personally.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case and looking into the grievances expressed by the petitioner, the Transfer Civil Miscellaneous Petition is allowed and M.O.P.No.572 of 2021 pending on the file of the Family Court, Pondichery shall stand withdrawn and transferred to the file of the Family Court, Chennai, to be tried along with O.P.No.2252 of 2020, now pending on the file of the V Additional Family Court, Chennai. The learned Judge, before whom M.O.P.No.572 of 2021 is now assigned, is directed not to insist upon the appearance of the respondent-husband for every hearing, except for attending counselling and for adducing evidence. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn



To

1. The Judge, Family Court, Pondicheery

2. The Judge, The Vth Additional Family Court,
Chennai

+lcc to Mr.K.Jothisivam, Advocate, S.R.No.29001

+lcc to Mr.C.Anbu, Advocate, S.R.No.28926

Tr.C.M.P.No.55 of 2022
and
C.M.P.No.1259 of 2022

JPL (CO)
PM/27/05/2022