



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

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

Tr.C.M.P.No.86 of 2022
and C.M.P.No.1694 of 2022

Divya

... Petitioner

Vs

A.Balaji

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.535 of 2021 from the file of the Family Court, Puducherry and transfer the same to the Principal Subordinate Court, Tindivanam and try along with the same with the Petition in H.M.O.P.No.51 of 2021 filed by the petitioner and pending before the Principal Subordinate Judge, Tindivanam.

For Petitioner : Mr.T.Dhanasekaran

For Respondent : Served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw H.M.O.P.No.535 of 2021 from the file of the Family Court, Puducherry and transfer the same to the file of the Principal Subordinate Court, Tindivanam, to be tried along with H.M.O.P.No.51 of 2021.

2. The Petitioner/wife has filed H.M.O.P.No.51 of 2021 under Section 9 of the Hindu Marriage Act before the Principal Subordinate Judge, Tindivanam, for restitution of conjugal rights. The respondent-husband has also filed H.M.O.P.No.535 of 2021 under Section 13(1) (i-a) of the Hindu Marriage Act before the Learned Judge, Family Court, Puducherry, for divorce.

3. It is stated by the petitioner-wife that she is residing at Tindivanam, Villupuram District along with her aged parents. It is her grievance that she is financially not in a position to travel all the way to Puducherry to attend all the hearings and is depending on her parents even to meet her day-to-day expenses. Further, she is also unable to engage a counsel to



assist her in the above cases, due to her financial condition. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and perused the materials available on record. The respondent, though served, has not entered appearance either in person or through counsel.

5. Taking in the grievances expressed by the petitioner, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.535 of 2021 pending on the file of the Family Court, Puducherry shall withdrawn and transferred to the file of the Principal Subordinate Court, Tindivanam, to be tried along with H.M.O.P.No.51 of 2021. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

srn/ab

To

1. The Learned Judge, Family Court,
Puducherry.
2. The Principal Subordinate Judge,
Tindivanam.
3. The Section Officer,
V.R.Section, High Court, Madras

+1cc to Mr.T.Dhanasekaran, Advocate SR.No.16478

Tr.C.M.P.No. 86 of 2022
and
C.M.P.No.1694 of 2022

MT(CO)
GMY(25/03/2022)