



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

TR.CMP. NO.396 OF 2021
AND
C.M.P.No.9265 of 2021

Sharmi @ Sivasankar ... Petitioner/Respondent.

Vs

J.Arun prasad ... Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case HMOP No.18/2021 filed by the respondent from the Hon'ble Sub Court, Tittagudi, Cuddalore District and transfer to the file of Family Court at Pondicherry.

For Petitioner : Mr.E.V.Chandru@ E.Chandrasekaran
For Respondent : Mr.K.S.Karthik Raja

ORDER

The above petition has been filed by the wife who is the respondent in HMOP NO.18/2021 filed by the husband for divorce on the file of the Sub Court, Tittagudi seeking transfer of the above proceedings to the file of the Family Court at Pondicherry.

2. The learned counsel for the respondent would submit that the attempts could be made for settling the dispute through mediation and the same may be referred to the mediation center. He would further submit that if the matter is transferred to the Family Court at Pondicherry, he would have to appear there for every hearing, whereas now the matter is pending before the Sub Court where the presence of parties are not required.



3. Heard the learned counsels on either side.

4. The wife is residing at Pondicherry and further it is stated that the respondent is working at Bangalore. It is also stated that the respondent/ husband has not given any maintenance to the petitioner. It is her contention that her father is bed ridden and her mother is also suffering certain ailments and that she has no other person to turn to for accompanying her to the Sub Court at Tittagudi to attend the hearing of the case.

5. Considering the fact that the husband has not been given any maintenance to the wife and as he is working at Bangalore and not now living withing the jurisdiction of the Sub Court, Tittagudi, the HMOP No.18/2021 shall be withdrawn and transferred to the file of the Family Court Pondichery. The learned Judge Family Court, Pondicherry is directed to first attempt mediation between the parties and in case the same fails thereafter proceed with the hearing of H.M.O.P.No.18/2021.

6. With the above directions, Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.18 of 2021, pending on the file of the Sub Court, Tittagudi is withdrawn and transferred to the file of the Family Court Pondicherry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judge, Sub Court, Tittagudi,
- 2.The Judge, Family Court at Pondicherry.

+1 cc to Mr.E.V.Chandru@ E.Chandrasekaran,Advocate Sr.NO. 15580

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pmk (CO)
A.SK(28/03/2022)