



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

Tr.C.M.P.No.257 of 2021
and
C.M.P.No.6956 of 2021

Mythili

...Petitioner

Vs.

Balaji

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.16 of 2020 pending on the file of the Sub-Court, Ulundurpettai and transfer the same to the file of the Family Court, Puducherry.

For Petitioner : Mr.Adarsh Subramanian

For Respondent : No Appearance

O R D E R

The petitioner is the wife seeking transfer of H.M.O.P.No.16 of 2020 filed by the husband for divorce pending on the file of the Sub-Court, Ulundurpettai to the file of the Family Court, Puducherry, where the petitioner filed a petition in H.M.O.P.No.131 of 2021 for restitution of conjugal rights.

2.The petitioner has sought for a transfer on the following grounds:

a) The marriage between the petitioner and the respondent was solemnised at Puducherry. The matrimonial home was at Puducherry. The parties had last resided also at Puducherry and therefore, the Sub-Court, Ulundurpettai did not have the jurisdiction to try the application.

b) The petitioner is taking care of her 3 year old child who was also been abandoned by the respondent/husband who has also not been paid any maintenance.

c) The petitioner is employed at Puducherry and is working at the Mobile Service Centre at



Puducherry.

3.The respondent though served had not entered appearance either in person or through counsel.

4.Considering the compelling reasons given apart, this Court is inclined to allow this petition and accordingly, this Transfer Miscellaneous Petition is allowed and H.M.O.P.No.16 of 2020 pending on the file of the Sub-Court, Ulundurpettai is withdrawn and transferred to the file of the Family Court, Puducherry. No Costs.Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Subordinate Judge,
Ulundurpettai.
2. The Judge,
Family Court,
Puducherry.

+1cc to Mr.M.Sudhakar, Advocate, S.R.No.15289

Tr.C.M.P.No.257 of 2021
and
C.M.P.No.6956 of 2021

RGN(CO)
RGA(31/03/2022)