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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. No.258 of 2021
and
C.M.P.No.6959 of 2021

S.Rajalakshmi

...Petitioner/Respondent

-Vs-

B.Bharath

...Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw M.O.P.No.10 of 2021 on the file of Family Court, Puducherry and transfer it to the file of the Subordinate Court, Neyveli.

For Petitioner : Mr.V.Rajesh Babu

For Respondent : Mr.S.Vijayakumar

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of M.O.P.No.10 of 2021 filed by the husband for divorce before the learned Judge, Family Court, Puducherry.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 16.09.2015 at N.T.Mahal, Nellithope, Puducherry, as per Hindu rites and customs. Out of the wedlock, they had one male child by name Karen Sai born on 15.03.2018. After the birth of the child, the petitioner had moved to the matrimonial home at Chennai where the respondent is residing after his return from United Kingdom. Thereafter, the respondent started his mental and physical harassments and drove the petitioner out of the matrimonial home.

3.The reasons for seeking the transfer are as follows:

"1.The petitioner is staying with her parents at Neyveli and she has three year old



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child to take care.

2.The respondent husband has never cared to support his wife and the child.

3.The distance between Neyveli and Puducherry is too far and she cannot travel each time to attend the hearings with her child.

4.The petitioner is not financially sound enough to bear the travel expenses for every hearing."

4.Heard the learned counsel appearing for the Petitioner and the learned counsel for the respondent and perused the papers.

5.Considering the fact that the petitioner is residing with her parents at Neyveli and she has three year old child to take care, this Transfer Civil Miscellaneous Petition is allowed. Further, the petition whose transfer is sought for is pending before a Family Court where the presence of the parties is mandatory. This is definitely going to cause a great deal of hardship to the petitioner. Under these circumstances, M.O.P.No.10 of 2021 pending on the file of the Family Court, Puducherry, is withdrawn and transferred to the file of the Subordinate Court, Neyveli. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Family Court, Puducherry.

2.The Subordinate Court, Neyveli.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.20213

+1cc to Mr.V.Rajeshbabu, Advocate, S.R.No.19732

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MT(CO)
RGA(19/05/2022)