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Tr.C.M.P.No.357 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Tr.C.M.P.No.357 of 2021
and C.M.P.No.8348 of 2021

Badugu Lurdu Matha

... Petitioner

Versus

Badugu Sandeep Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the M.O.P.No.70 of 2020 pending on the file of the Family Court, Puducherry and transfer the same to the Sub-Court, Yanam.

For Petitioner : Mr.V.S.Senthilkumar
For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the M.O.P.No.70 of 2020 pending on the file of the Family Court, Puducherry and transfer the same to the Sub-Court, Yanam.



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2.The respondent/husband has filed M.O.P.No.70 of 2020 before the Family Court, Puducherry, for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is working as a staff nurse in Yanam and in this circumstances, it is very difficult for the petitioner to travel from Yanam to Puducherry for attending the Court on every hearings in M.O.P.No.70 of 2020. Therefore, she seeks to transfer the case from the Family Court, Puducherry to the Sub-Court, Yanam.

4.Heard the learned counsel for the petitioner. Despite sufficient opportunity given to the respondent, there was no representation even today there is no representation on behalf of the respondent. Hence, this Court is inclined to pass orders on merits.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to transfer the case to the file of the Sub-Court, Yanam.



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6. Accordingly, M.O.P.No.70 of 2020 is withdrawn from the file of the Family Court, Puducherry and transferred to the file of the Sub-Court, Yanam, for disposal as per law. The Family Court, Puducherry, is directed to transmit the papers to the file of the Sub-Court, Yanam within a period of six weeks from the date of receipt of a copy of this order. The learned Judge, Sub-Court, Yanam is directed to dispose of the case in M.O.P.No.70 of 2020 on merits and in accordance with law as expeditiously as possible.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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18.07.2022

Internet : Yes / No

Index : Yes / No

To:

1. The Judge, Family Court, Puducherry.
2. The Judge, Sub-Court, Yanam.



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S.KANNAMMAL, J.,

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