



TR.C.M.P.No.393 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

TR.C.M.P.No.393 of 2022

and

C.M.P.No.7531 of 2022

S.Sivaranjini

.. Petitioner

Vs.

D.J.Rajesh Kumar

.. Respondent

PRAYER: This Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Civil Procedure Code, praying to withdraw H.M.O.P.No.320 of 2022 pending on the file of Learned Subordinate Court, Poonamallee and to transfer the same to the file of the Family Court, Pondicherry.

For Petitioner : Mr.R.Sreedhar

For Respondent : M/s.M.Sakthivel



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O R D E R

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The petitioner /wife filed this Transfer Civil Miscellaneous Petition seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.320 of 2022, from the Sub Court, Poonamallee to the Family Court, Pondicherry.

2. According to the petitioner, she is residing at Puducherry and she is having a child aged about three years. The learned counsel for the petitioner submitted that petitioner's father already passed away and there is no companion to accompany her to undertake long travel to Poonamallee to attend the Court hearing.

3. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

4. In the case on hand, wife is residing at Puducherry which is 170 km away from Poonamallee and she is also having three years old child, hence this Court is inclined to order the above application.



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5. The learned counsel the respondent submitted that his personal appearance before the Family Court, Puducherry may be dispensed with. It is always open to the respondent to file an application seeking dispense with of his personal appearance before the Family Court Puducherry. If any such application is filed by the respondent, the same shall be considered by the Family Court, Puducherry sympathetically and in accordance with law.

6. This Transfer Civil Miscellaneous petition is allowed. The petition filed in H.M.O.P.No.320 of 2022 on the file of Sub Court, Poonamallee is withdrawn and the same is transferred to the Family Court, Pondicherry. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

15.09.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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S.SOUNTHAR, J.

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