



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.Nos.747 and 763 of 2021

and

C.M.P.Nos.17900 and 18101 of 2021

M.Monika

... Petitioner in both Tr.C.M.Ps

vs.

D.Senthil Pandian

... Respondent in both Tr.C.M.Ps

Prayer in Tr.C.M.P.No.747 of 2021: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.28 of 2021 pending on the file of the Family Court at Cuddalore and transfer the same to the file of the Family Court, Chennai.

Prayer in Tr.C.M.P.No.763 of 2021: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.459 of 2021 pending on the file of the Family Court at Cuddalore and transfer the same to the file of the Family Court, Chennai.

For Petitioner : S.Saravanakumar
in both Tr.C.M.Ps

For Respondent : Served - No appearance
in both Tr.C.M.Ps

COMMON O R D E R

Tr.C.M.P.No.747 of 2021 is filed seeking to transfer H.M.O.P.No.28 of 2021 pending on the file of the Family Court, Cuddalore to the file of the Family Court, Chennai.

2. Tr.C.M.P.No.763 of 2021 is filed seeking to transfer H.M.O.P.No.459 of 2019 pending on the file of the Family Court, Cuddalore to the file of the Family Court, Chennai.

3. The Petitioner-wife had filed H.M.O.P.No.459 of 2019 under Section 12(1)(a) of the Hindu Marriage Act on the file of the Family Court, Cuddalore to dissolve the marriage. Subsequently, the respondent-husband had filed H.M.O.P.No.28 of 2021 under section 9 of the Hindu Marriage Act on the file of



the Family Court, Cuddalore for restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and perused the material available on record. The respondent, though served, has not entered appearance.

5. From a reading of the affidavits filed in support of these transfer petitions, it is seen that only on the ground, on which, the transfer is sought for, is because the petitioner is temporarily residing at her uncle's house at Vellore to take care of her father, who is undergoing treatment. Therefore, it is very clear that it is not a permanent residence of the petitioner and hence, it cannot be construed to be a residence for conferring jurisdiction.

6. Considering the limited scope, I have not discussed the merits of the petition, as I have decided the petition on the point of jurisdiction alone.

7. In the view of the above, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Judge, The Family Court, Cuddalore

2. The Judge, The Family Court, Chennai

+1cc to M/s.I.Abrar Mohamed Abdullah, Advocate, S.R.No.22830

Tr.C.M.P.Nos.747 and 763 of
2021
and
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SKM(CO)
SB(19/04/2022)