



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.922 OF 2021

AND

C.M.P.NO.20674 OF 2021

Kalpana

...Petitioner

Vs

P.Muthuraj

...Respondent

PRAYER : Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the petition filed by the respondent in M.O.P.No.314 of 2021 pending on the file of the Family Court, Pondicherry, to the file of the Sub Court, Thiruvarur.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Served - No appearance

ORDER

The wife has filed the Transfer Civil Miscellaneous Petition seeking transfer of M.O.P.No.314 of 2021 filed by the husband for divorce on the file of the Family Court, Pondicherry, to the Sub Court, Thiruvarur.

2.The petitioner would contend that the marriage between herself and the respondent had been solemnized on 11.09.2021 as per Hindu rites and customs. After marriage, they started the matrimonial life at Puducherry. Thereafter, the petitioner came to know that the respondent was already married and had a male child out of that wedlock. Meanwhile, the petitioner was conceived and the parents of the respondent took the petitioner to the hospital for regular checkup. After that, the in-laws of the petitioner gave tablets stating that it was for the growth of the child growing. However, she suffered an abortion due to the tablets given by her mother-in-law. There were difference of opinion between the petitioner and the respondent. Thereafter, the respondent filed M.O.P.No.314 of 2021 for divorce. The petitioner has filed H.M.O.P.No.106 of 2021 on the file of the Sub Court, Thiruvarur for restitution of conjugal



rights and M.C.No.6 of 2021 on the file of the Chief Judicial Magistrate Court, Thiruvavur, for maintenance.

3. The grounds on which the transfer is sought for are as follows:

Y 1.The petitioner is residing at Thiruvavarur in her
parent's house.

2.The respondent husband has not provided any maintenance to the petitioner.

3.The distance between Thiruvavarur and Pondicherry is too far and she cannot travel each time to attend the hearings."

4.The respondent/husband though served has not entered appearance either in person or through pleader.

5. Heard the learned counsel appearing for the Petitioner and perused the papers.

6. Since the respondent husband is not maintaining his wife the petitioner herein who has moved the Sub Court, Thiruvavarur, seeking maintenance she cannot be asked to travel every time to attend the hearing at Pondicherry since the matter is before the Family Court. That apart, the Maintenance Case is pending on the file of the Sub Court at Thiruvavarur.

Therefore, in the interest of justice the Transfer Civil Miscellaneous Petition is ordered, withdrawing the proceedings in M.O.P.No.314 of 2021 pending on the file of the Family Court, Pondicheery and transferred to the file of the Sub Court, Thiruvarur, tried along with M.C.No.6 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

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Sub Assistant Registrar

mps

To

1.The Judge, Family Court,
Pondicherry.

2.The Subordinate Judge,
Thiruvarur.

Tr.C.M.P.No.922 of 2021 and
C.M.P.No.20674 of 2021

SKM (CO)
RVM (15/06/2022)