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Tr.CMP.No 937 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 937 of 2021

and

C.M.P. No. 20942 of 2021

P. Kavitha

.. Petitioner

Versus

K. Karthik

.. Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24(1) of Civil Procedure Code, to withdraw the I.A.No.224/2021 in M.O.P. No. 354 of 2018 pending on the file of Family Court, Pudhucherry and to transfer the file of Family Court, Vellore.

For Petitioner	: Mr.B. Sundarapandiyan
For Respondent	: No Appearance

ORDER

The above petition is filed praying this Court to withdraw the I.A.No.224/2021 in M.O.P.No. 354 of 2018, pending on the file of Family Court, Pudhucherry and to transfer the file of Family Court, Vellore.



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2. The petitioner/wife married the respondent/husband on 02.11.2014 and the marriage took place at Kaveripoompattinam. In the wedlock, the petitioner/wife gave birth to a female child, now aged about 5 1/2 years. Due to strained relationship, the petitioner filed M.O.P.No.354 of 2018 on the file of Family Court, Puducherry.

3. According to the petitioner/wife, she has no one to support her, except her aged parents and she is having a minor child and hence, she finds it difficult to travel on each and every hearing dates of the case at the Family Court, Puducherry.

4. The learned counsel for the petitioner submits that as a mother, she was done as minor surgery and is studying Sr.KG. Std., at BMD Jain School Vellore. The respondent working as a Manager in the Karur Vysya Bank, Coimbatore and earning a sum of Rs.70,000/- pm but not even spent any single pie for food/medical expenses to the child. He further submits that the petitioner/wife is working as a Psychiatrist in Sri Narayani Hospital and Research Centre, Sripuram, Vellore and now, she is only looking after her child, studying in Sr.K.G. Std., BMD Jain School, Vellore. Therefore, he prays to transfer the same.



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5. I have considered the rival contentions of the learned counsel appearing for the petitioner and perused the records.

6. It is not in dispute that the marriage between the petitioner and the respondent took place at Kaveripoompattinam. Considering the fact that the petitioner/wife has no one to support her, except her aged parents and she is having a minor child and hence, she finds it difficult to travel on each and every hearing dates of the case at the Family Court, Puducherry. Now, the petitioner/wife is working as a Psychiatrist in Sri Narayani Hospital and Research Centre, Sripuram, Vellore and now, she is only looking after her child and her child is studying in Sr.KG. Std., BMD Jain School, Vellore. In the interest of justice, the I.A.No.224 of 2021 in M.O.P. No. 354 of 2018, can be transferred to the file of Family Court, Vellore. No prejudice would be caused to the respondent/husband if the said petition is allowed.

7. Under these circumstances, this Tr.C.M.P. No. 937 of 2021 is allowed. The I.A.No.224/2021 in M.O.P.No. 354 of 2018, pending on the file of Family Court, Pudhucherry is withdrawn and the same is transferred to the file of Family Court, Vellore. The Family Court, Vellore, is directed to dispose of the I.A.No. 224 of 2021 in M.O.P.No. 354 of 2018 within a period of six months



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from the date of receipt of a copy of this order. Parties are directed to co-operate with the Court for early disposal of the petition.

06.12.2022

Index: Yes/No

Speaking order / Non speaking order

msm

To

1. The Family Court, Puducherry
2. The Family Court, Vellore.



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V.BHAVANI SUBBAROYAN, J.

msm

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