



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.980 of 2021
and C.M.P.No.21647 of 2021

B. Saranya ... Petitioner/Respondent.
Vs
J. Rangarajan ... Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to order to withdraw HMOP No.527 of 2021 pending on the file of the Family Judge Puducherry and transfer the same to the Family Court Cuddalore.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.V.Ajayakumar

ORDER

The respondent/wife in petition for restitution of Conjugal Right filed by the husband on the file of the Family Judge Puducherry in HMOP No.527 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the same from the file of the Family Judge, Puducherry and transfer the same to the file of the Family Court, Cuddalore.

2. The petitioner's reasons for seeking transfer is on the ground that the petitioner herein has filed a petition under the Domestic Violence Act, in DVC No.7 of 2021 which is pending on the file of the Additional Mahila Court Cuddalore. The petitioner would further submit that the respondent's father is a influential political leader and a rich businessman. Therefore, she fears for her safety, if the matter is pending on the file of the Family Court at Puducherry. Further she has also filed MC.No.43 of 2019 on the file of the Family Court, Cuddalore where the husband has to appear.

3. The respondent has filed a counter inter alia contending that the petitioner is just residing 22 Kms., away from the Cuddalore and she need not come to Puducherry everyday. He would deny the allegation that he and his family members would cause harm to the petitioner.

4. Heard the learned counsel on either side.



5. Admittedly, the respondent/husband has not taken any steps to maintain either the petitioner or his minor daughter who is aged about 8 years and for which the wife has filed a maintenance case before the Family Court at Cuddalore, for which the respondent/husband has to attend. Further, the petitioner wife is residing within the jurisdiction of the Family Court at Cuddalore.

6. Therefore, the Transfer Civil Miscellaneous Petition is allowed and HMOP No.527 of 2021, pending on the file of the Family Judge, Puducherry is withdrawn and transferred to the file of the Family Court, Cuddalore to be tried along with M.C.No.43 of 2019. However, it is made clear that the HMOP will be taken up after the maintenance case is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judge,
The Family Court Puducherry.
- 2.The Judge,
The Family Court, Cuddalore.

+lcc to Mr.D.Baskar, Advocate, S.R.No.17191
+lcc to Mr.V.Ajayakumar, Advocate, S.R.No.17158

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MG(CO)
CT 05/04/2022