



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.986 OF 2021

&

C.M.P.NO.21729 OF 2021

Aarthi ... Petitioner

.Vs.

Durairaj ... Respondent

PRAYER:-

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw M.O.P.No.233 of 2021 on the file of the Family Court, Pondicherry and transfer the same to Family Court, Villupuram.

For Petitioner : Mr.S.Natarajan

For Respondent : Mr.V.Vasantha Kumar

ORDER

The wife has filed this petition for transfer of M.O.P.No.233 of 2021 pending on the file of the Family Court, Pondicherry to the file of the Family Court, Villupuram.

2. It is informed by the learned counsel for the petitioner that the wife has filed a petition for restitution of conjugal rights, which is numbered as H.M.O.P.No.10 of 2022 on the file of the Principal Subordinate Court, Villupuram.

3. The learned counsel for the respondent husband submitted that when the HMOP was filed by the husband, the petition for restitution of conjugal rights has not been filed by the wife and therefore the petition has been filed only with a mala fide intention of obtaining a transfer. He would therefore submit that the transfer cannot be ordered as it is not a matter of right.



4. Heard the learned counsel and perused the records.

5. Admittedly, the wife is residing at Kallakurichi and the husband is also not maintaining the wife. The wife has now filed a petition for restitution of conjugal rights on the file of the Principal Subordinate Court, Villupuram, in which the respondent husband has to enter appearance.

6. Instead of transferring M.O.P.No.233 of 2021 now pending before the Family Court, Pondicherry to the file of the Family Court, Villupuram as requested in the petition, considering the fact that the wife has thereafter filed H.M.O.P.No.10 of 2022 on the file of the Principal Subordinate Court, Villupuram, M.O.P.No.233 of 2021 is withdrawn from the file of the Family Court, Pondicherry and transferred to the file of the Principal Subordinate Court, Villupuram to be tried jointly with H.M.O.P.No.10 of 2022.

7. The Transfer Civil Miscellaneous Petition is disposed of on the above lines. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court,
Pondicherry.
2. The Principal Subordinate Court,
Villupuram.

+1cc to Mr.S.Natarajan, Advocate, S.R.No.9457
+1cc to Mr.V.Vasanth Kumar, Advocate, S.R.No.9954

TR.C.M.P.NO.986 OF 2021

PL(CO)
PBS/03/03/2022