



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.02.2022

CORAM

WEB COPY

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.991 of 2021
&
C.M.P.No.21771 of 2021

T.Priya @ Thamizharasi

...Petitioner

Vs

G.Anbarasan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the M.O.P.No.226 of 2019 pending on the file of the learned Family Court, Puducherry and may be transferred to the learned Family Court, Villupuram.

For Petitioner : Mr.L.Karthiga

For Respondent : No Appearance

ORDER

The petition has been filed by the respondent wife seeking transfer of M.O.P.No.226 of 2019 pending on the file of the Family Court, Puducherry, which is filed by her husband for divorce on the ground of cruelty.

2. The reasons for seeking the transfer was on account of the fact that the petitioner is residing at Villupuram and is unemployed. She is totally dependent on her parent's income for day to day expenses and she had to spend considerable money to attend the hearings on 22.11.2021, 30.11.2021 and 09.12.2021 before the Family Court, Puducherry. The petitioner is also subjected to great deal of harassment when she attends the Court at Puducherry (these are mere allegations not substantiated by proof). She would therefore seek transfer to the Family Court, Villupuram within whose Jurisdiction she now resides.

3. The respondent husband filed the divorce petition against the petitioner wife before the Family Court, Puducherry though the wife is residing at Villupuram. Admittedly, the respondent is not maintaining the wife.



4. The respondent though served has not entered appearance.

5. Heard the counsel and perused the records.

6. The respondent herein is employed as a Teacher at Puducherry. The petitioner is residing at her parental home, which is 60 KM away from Kovilpatti. Therefore, since the matter is pending before the Family Court, her presence at every hearing is mandatory.

7. Considering the fact that the husband has not taken any proactive steps to maintain his wife, this Court is of the considered view that the request for transfer should be allowed.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and M.O.P.No.226 of 2019, pending on the file of the Family Court, Puducherry is withdrawn and transferred to the file of the Family Court, Villupuram. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

9. Taking note of the fact that the respondent husband is a teacher and the matter is referred to the Family Court, where the presence of the parties are mandatory, the presence of the husband is dispensed with for every hearing except for adducing evidence or for conciliation for which he shall appear in person before the Court.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge, Family Court, Puducherry.

2.The Judge, Family Court, Villupuram.

+1 cc to Mr.K.K.Krishnan, Advocate Sr.NO. 9386

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MT(CO)

A.SK(14/03/2022)