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Tr.C.M.P.No.1288 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 22.12.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**Tr.C.M.P.No.1288 of 2022**

**and**

**C.M.P.No.21796 of 2022**

Mr.V.s.Sreedharan

... Petitioner/Respondent

Vs.

Mrs.Sathya @ Adilatchoumy

... Respondent/Petitioner

**Prayer:** Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the HMOP No.655 of 2022 from the file of the Family Court, Puducherry and transfer the same to the Family Court, Vellore.

For Petitioner

: Mrs.R.Kamalarani



## **ORDER**

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The petition for transfer is filed to withdraw the HMOP No.655 of 2022 from the file of the Family Court, Puducherry and transfer the same to the Family Court, Vellore.

2. The marriage between the petitioner and the respondent was solemnised on 17.02.1991 as per the Hindu rites and customs. Due to some misunderstanding, the petitioner and the respondent are living separately. Now the petitioner is aged about 63 years and the respondent is aged about 59 years.

3. The learned counsel for the petitioner states that the respondent had already filed an application for restitution of marriage which was allowed and thereafter, she filed HMOP No.655 of 2022, on the file of the Family Court, Puducherry for dissolution of marriage. The learned counsel for the petitioner contended that the respondent is not residing at Puducherry as of now. Therefore, the case is to be transferred to the place of the petitioner.



4. The allegations set out in the petition cannot be adjudicated by the High Court in the present transfer petition. All such allegations are to be adjudicated with reference to the documents and evidence before the trial Court concerned and this Court cannot make any finding in respect of the allegations made by the parties.

5. As far as the transfer petition is concerned, the respondent/wife filed a petition for dissolution of marriage which is pending on the file of the Family Court Puducherry. The place of the wife is preferable for adjudication of matrimonial disputes, and the respondent as of now states that she not is residing at Puducherry. Whether she is residing actually at Puducherry or not, is to be established during the course of adjudication in the HMOP and this Court cannot form any final opinion in this regard.

6. Since the address of the respondent is at Puducherry, and she has filed a petition for divorce in HMOP No.655 of 2022, on the file of the Family Court, Puducherry, this Court is not inclined to consider the present transfer petition. The petitioner is at liberty to defend his case before the Family Court at Puducherry .



**S.M.SUBRAMANIAM, J.**

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7. With the abovesaid observations, the Transfer Civil Miscellaneous Petition stands **dismissed**. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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**22.12.2022**

Index : Yes  
Speaking order

To

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

**Tr.C.M.P.No.1288 of 2022**