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Tr.CMP.No 265 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

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

Tr.C.M.P. No. 265 of 2023

and

C.M.P. No. 5846 of 2023

Revathy S.

.. Petitioner

Versus

Suresh G.

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 57 of 2023 from the file of the Sub Court, Poonamallee, Thiruvallur District and to transfer the same to the file of the Family Court, Pudhucherry.

|                |                   |
|----------------|-------------------|
| For Petitioner | : Mr.S. Vellidoss |
| For Respondent | : No Appearance   |

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### ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw H.M.O.P. No. 57 of 2023 pending on the file of the Sub Court, Poonamallee, Thiruvallur District and transfer the same to the file of the Family Court, Pudhucherry.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 23.08.2018 as per the Hindu Marriage Act, 1955. After completion of marriage, they were lived at the respondent's house. After a month, the respondent along with his parents demanded more dowry and tortured the petitioner to bring properties from her parents and used filthy language over phone. Therefore, the respondent filed a petition for divorce in H.M.O.P. No.57 of 2023 before the Subordinate Court, Poonamallee. The petitioner states that she is residing along with her aged parents at Pondicherry. The petitioner is not working any employment anywhere and hence, she is unable to travel from Pondicherry to Poonamallee to conduct the case for every hearings. Since the parents of the petitioner are aged persons and they are not in a position to render any assistance to the petitioner to conduct the case. Therefore, the petitioner has come forward with the present petition under Section 24 of CPC.

3. Having regard to the facts and circumstances pointed out by the petitioner, this Court is inclined to transfer the proceeding. Since the respondent did not appear or file any counter affidavit, this Court is of the view that the transfer petition can be ordered on the basis of submission of the petitioner and facts found in the affidavit filed in support of this petition.



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Accordingly, H.M.O.P. No.57 of 2023 pending on the file of Sub Court, Poonamallee, Thiruvallur District is hereby withdrawn and transferred to the file of the Family Court, Pondicherry.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

**08.08.2023**

Index:Yes/No

Speaking order / Non speaking order

MSM

To

1. The Sub Court, Poonamallee, Thiruvallur District.
2. The Family Court, Pudhucherry.



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**V. BHAVANI SUBBAROYAN, J**

MSM

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