



Tr.CMP.No. 417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

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

Tr.C.M.P. No. 417 of 2023

and

C.M.P. No. 9439 of 2023

Isakki Roja

.. Petitioner

Versus

Sivamani

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the M.O.P. No. 211 of 2022 from the file of the Family Court, Puducherry and to transfer the same to the file of the Family Court, Theni.

For Petitioner	: Mr.K.S. Karthik Raja
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the M.O.P. No. 211 of 2022 from the file of the Family Court, Puducherry and to transfer the same to the file of the Family Court, Theni.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband before the Joint Sub Registrar-II, Cuddalore vide Reg.No.947/2018, dated 29.05.2018 as per the Hindu Marriage Act, 1955. Out of their wedlock, they got a male child. After the marriage, the respondent was suspicious over the petitioner on moral grounds. The petitioner was subjected to cruelty and therefore, the petitioner has filed MOP.No. 211 of 2022 on the file of the Family Court, Puducherry under Section 13(1) (i-a) of the Hindu Marriage Act. Now, the petitioner is working in the Little Kingdom School, Theni District and her son is also studying in Morning Dew Nursery and Primary School, Theni. The distance from Theni District to Puducherry is 400 Kms, hence, the petitioner is finding it difficult to attend the Court hearings at Puducherry. The petitioner is the sole bread winner. Therefore, the petitioner has approached this Court under Section 24 of the Code of Civil Procedure.

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Accordingly, M.O.P. No. 211 of 2022 pending on the file of the Family Court, Puducherry, is hereby withdrawn and transferred to the file of the Family Court, Theni.

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

Consequently, connected Miscellaneous Petition is closed. No costs.

19.09.2023

Index:Yes/No

Speaking order / Non speaking order

MSM

To

1. The Family Court, Puducherry.
2. The Family Court, Theni.



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V. BHAVANI SUBBAROYAN, J

MSM

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