



WEB COPY



Tr.CMP.No. 418 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. 418 of 2023

Abirami @ S.S. Shrutee

.. Petitioner

Versus

S. Datchinamurthy

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 228 of 2022 from the file of the Family Court, Puducherry and to transfer the same to the file of the Family Court, Chennai.

For Petitioner	: Mr. Stalin Abhimanyu
For Respondent	: Mr. N.V. Sai Sundar

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the H.M.O.P. No. 228 of 2022 from the file of the Family Court, Puducherry and to transfer the same to the file of the Family Court, Chennai.



Tr.CMP.No. 418 of 2023

2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 30.01.2020 as per the Hindu Marriage Act, 1955. There was some difference of opinion between the petitioner and the respondent, the respondent along with his parents demanded more dowry from the petitioner and threatened her with dire consequences. Therefore, the pressure of the respondent along with his parents, the petitioner jumped from the second floor of their apartment to commit suicide and she sustained severe injuries and was rushed to the Government Hospital in Puducherry and now, the petitioner is taking further treatment in MIOT Hospital at Chennai. Since the petitioner is being a lady with several health related ailments, she is unable to travel about 150 Kms to attend the Court hearings in HMOP.No. 228 of 2022 pending on the file of the Family Court, Puducherry. Therefore, the petitioner has approached this Court under Section 24 of the Code of Civil Procedure.

3. The learned counsel for the petitioner submitted that the petitioner has been residing at Chennai and undergoing psychiatric treatment with the petitioner's broken leg at Chennai and she has also filed DVC.No. 1 of 2023 and M.C.No. 677 of 2022 against the respondent before the Family Court, Chennai.



Tr.CMP.No. 418 of 2023

4. It is seen that the wife has filed HMOP.No. 22 of 2021 before the Family Court, Pondicherry and the same is also pending. Since the petitioner is taking treatment in MIOT hospital by staying at Saligramam, Chennai, and she seeks to transfer her petition also to the file of the Family Court, Chennai.

5. Having regard to the facts and circumstances pointed out by the petitioner, this Court is inclined to transfer the proceeding. Hence, 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. Accordingly, HMOP.No.228 of 2022 filed by the husband and HMOP.No.22 of 2021 filed by the wife, pending on the file of the Family Court, Puducherry, are hereby withdrawn and transferred to the file of the Family Court, Chennai.

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

No costs.

19.09.2023

Index:Yes/No

Speaking order : Yes/No

MSM

To

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



WEB COPY



Tr.CMP.No. 418 of 2023

V. BHAVANI SUBBAROYAN, J

MSM

Tr.C.M.P. No. 418 of 2023

19.09.2023