



Tr.C.M.P.No.501 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

**Tr.C.M.P.No.501 of 2023
and
C.M.P.No.11987 of 2023**

Lakshmipriya

... Petitioner

Vs.

Venkatesan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.37 of 2021 on the file of the II Additional Subordinate Judge, Villupuram District and transfer the same to the Family Court, Puducherry.

For Petitioner : Mr.S.Raja Ravi Varma

ORDER

Heard Mr.S.Raja Ravi Varma, learned counsel for the petitioner and perused the records.

2. This petition is filed seeking to withdraw and transfer the



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proceedings in H.M.O.P.No.37 of 2021 from the file of the II Additional Subordinate Judge, Villupuram, Villupuram District, to the file of the Family Court, Puducherry.

3. The petitioner is the wife and the respondent is the husband, whose marriage took place at Thirukkivilur, Villupuram District on 24.04.2015, subsequently, on account of dispute arose, the respondent filed H.M.O.P.No.37 of 2021 seeking divorce on the ground of cruelty. The only reason on which the petitioner is seeking transfer of the said petition from Villupuram to Pondicherry is that the petitioner is residing along with her parents at Pondicherry and she has got a child, aged about 7 years, thereby, it is very difficult to attend the Court proceedings at Villupuram. The respondent is stated to be working in I.T.Company.

4. In case, the matter is pending before the Subordinate Court, Villupuram, the petitioner can certainly appear before the Subordinate Court, Villupuram through her counsel. In case, the matter is transferred to Family Court, Puducherry the respondent would constrain to present physically on the date of hearing, which causes inconvenience to him and he may also lose his salary for one day. Further, the distance between two



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places is more than 70 kms.

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5. Taking into consideration the facts narrated above, this civil revision petition is disposed of with the following direction:

(i) The presence of the petitioner in H.M.O.P.No.37 of 2021 pending on the file of the II Additional Subordinate Judge, Villupuram is dispensed with during the course of enquiry. However, the learned II Additional Subordinate Judge, Villupuram is at liberty to direct the petitioner to be present during the course of enquiry as and when her presence is required for smooth progression of enquiry in H.M.O.P.Nos.37 of 2021.

(ii) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

DR.D.NAGARJUN, J.,

ms



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To

1. The II Additional Subordinate Judge,
Villupuram District.

2. The Judge,
Family Court,
Puducherry.

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