



WEB COPY



Tr.C.M.P.No.725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**Tr.C.M.P.No.725 of 2023 and
C.M.P.No.7158 of 2023**

S.Saranya ... Petitioner

Vs.

V.Vijay ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.165 of 2023 pending before the Family Court, Cuddalore and transfer the same to the Family Court, Puducherry.

For Petitioner : Mr.M.M.Javadh

For Respondent : Mr.K.S.Vaithianathan

ORDER

The present petition has been filed to withdraw H.M.O.P.No.165 of 2023 pending before the Family Court, Cuddalore and transfer the same to the Family Court, Puducherry.

2. Heard the learned counsel on either side and perused the documents placed on record.



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3. According to the petitioner, the marriage between the petitioner and the respondent was solemnized on 13.06.2022, as per Hindu Rites and Customs at Annai Periyamayagi Thirumana Mahal, Uppalavadi Road, Cuddalore. On account of a matrimonial dispute, the petitioner is residing at Puducherry at her parents house along with her grand parents. In the meanwhile, the respondent preferred H.M.O.P No.165 of 2023 before the Family Court, Cuddalore for restitution of conjugal rights. Now, as the petitioner is finding it difficult to attend the court hearings at Cuddalore and having the full responsibility of taking care of her child, the petitioner seeks for transfer.

4. Though the learned counsel for the respondent has no objection for transferring the case, however, seeks to post the matter for mediation before the Family Court, Puducherry.

5. Considering the facts and circumstances of the case and taking note of the fact that the Hon'ble Supreme Court while hearing a transfer petition concerning matrimonial dispute had held that "convenience of wife in matrimonial disputes is paramount, as per established jurisprudence of the court", this Court is inclined to allow the present Petition.



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In view of the above, the present Tr.C.M.P. is allowed and H.M.O.P.No.165 of 2023 pending on the file of Family Court, Cuddalore is ordered to be withdrawn and transferred to the Family Court, Puducherry. Further, the said Family Court, Puducherry is hereby directed to post the case for Mediation to enable the parties to arrive at an amicable settlement. Consequently, connected miscellaneous petition is closed. No costs.

22.09.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

To

1. Family Court, Cuddalore
2. Family Court, Puducherry



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ssd

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