



Tr.C.M.P.No. 899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.899 of 2023

and

C.M.P.No.21452 of 2023

Imayarani
W/o.P.Shanmugavel

... Petitioner

Versus

P.Shanmugavel
S/o.Palanichamy

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw the above said HMOP No.44 of 2023 on the file of Sub-Court, Vendasandur and transfer the same to the file of Family Court, Pondicherry to be tried along with MC.No.32 of 2023 on the file of Family Court, Pondicherry.

For Petitioner : Mr.A.Murali

For Respondent : Notice 'Refused'



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ORDER

This petition has been preferred to withdraw H.M.O.P.No.44 of 2023 pending on the file of the Sub Court, Veda sandur and transfer the same to the file of the Family Court, Pondicherry to be tried along with M.C.No.32 of 2023.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Notice sent to the respondent has been returned with an endorsement 'Refused'.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.01.2009 at Ayyanar Temple, located in Vedchandur to Ottanchatiram Road as per Hindu Rites and Customs. Out of the wedlock, a male child was born on 03.01.2014 and a female child was born on 15.07.2016. The respondent is serving in Indian Army and at present, he is deputed as Heveldhar at Mahar Regiment Saugor, Madhya Pradesh and earning a sum of Rs.45,000/- per month. Due to matrimonial discord, now the petitioner is



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living with her two children in her elder brother's house at Pondicherry.

Since the petitioner has no means to meet the expenses for the children, she has filed a maintenance petition before the Family Court, Pondicherry vide M.C.No.32 of 2023. Apart from the maintenance petition, the petitioner has also filed a complaint under Domestic Violence Act vide DVC No.72 of 2023 on the file of the Judicial Magistrate Court-III, Pondicherry. The respondent has filed a petition seeking for dissolution of marriage vide H.M.O.P.No.44 of 2023 and the same is pending on the file of Sub-Court, Veda sandur. Now, the petitioner herein, who is the wife has preferred the present petition to withdraw H.M.O.P.No.44 of 2023 pending on the file of Sub-Court, Veda sandur and transfer the same to the Family Court, Pondicherry to be tried along with MC.No.32 of 2023.

4. The petitioner has stated that she being an unemployed woman and having two children, she is staying in her elder brother's house at Pondicherry and it is very difficult for her to travel from Pondicherry to Veda sandur for attending the Court proceedings at Veda sandur.



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5. Considering the facts and circumstances and also considering that the petitioner has no source of income and is living in her elder brother's house, it is difficult for the petitioner to attend the Court hearings at Vedachandur. Hence, this Court is of the view that the reason assigned by the petitioner for transfer of H.M.O.P.No.44 of 2023 is justifiable and this Court is inclined to transfer the proceeding in H.M.O.P.No.44 of 2023 pending on the file of the Sub-Court, Veda sandur to Family Court, Pondicherry.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.44 of 2023 filed by the respondent/husband is ordered to be withdrawn from the file of the Sub Court, Veda sandur, Dindigul District and transferred to the file of the Family Court, Pondicherry to be tried along with M.C.No.32 of 2023. The learned Sub-Judge, Veda sandur, Dindigul District is directed to transmit all the records pertaining to H.M.OP.No.44 of 2023 to the file of the Family Court, Pondicherry within a period of two weeks from the date of receipt of a copy of this order. However, the learned Family Judge, Pondicherry is directed to



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issue notice to the respondent and proceed with the case as early as possible in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

20.10.2023

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

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To

1. The Subordinate Judge,
Vedasandur
Dindigul District.
2. The Family Judge,
Family Court,
Pondicherry.



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T.V.THAMILSELVI, J.

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