



Tr.C.M.P.No.936 of 2023
and CMP.No.22624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.936 of 2023
and
CMP.Nos.22582 & 22583 of 2023

Sindhiya
W/o.Jerish M.Basheer

... Petitioner

Vs.

Jerish M.Basheer
S/o.Basheer

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24(1)(b) of C.P.C., praying to withdraw the M.O.P.No. 66 of 2023 pending on the file of the Family Court, Karaikal and transfer the same to the file of the Family Court, Pondicherry.



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For Petitioner : Mr. E.V.Chandru

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ORDER

The petitioner/wife seeks transfer of M.O.P.No.66 of 2023 pending on the file of the Family Court, Karaikal to the Family Court, Pondicherry. The petitioner /wife seeks transfer of the proceedings before the Family Court, Pondicherry on the ground that she is residing at Pondicherry with one male child, and she is not able to attend the Court hearings by travelling 300 kms from Pondicherry.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 21.01.2019, before the Marriage officer, District Jayanagar Bangalore City, Bangalore. Out of the wedlock, one male child was born to them. Due to misunderstanding they got separated and she is living with her 18 months baby in her parents home and it is very difficult to attend the Court hearings by travelling more than 300 kms from pondicherry. He also submitted that the respondent is employed as Nursing Officer in JIPMER. He further



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submitted that the respondent had filed a petition for divorce in MOP.No.66 of 2023, for dissolution of marriage under Special Marriage Act, and the same is pending on the file of the Family Court, Karaikal. Thereafter, the petitioner has filed a Domestic Violence Application under Section 12 of the DV Act in DVC.No.67 of 2023 before the learned Judicial Magistrate No.III, Pondicherry. Hence, she prays to transfer the MOP.No.66 of 2023, to the Family Court, Pondicherry.

3. Considering the facts and circumstances, now the child is under the care of the petitioner. Admittedly, the respondent is also working in JIPMER, at Pondicherry. Furthermore, the proceedings in DVC.No.67 of 2023 is pending before the learned Judicial Magistrate - III, Pondicherry and the reason assigned by the petitioner is justifiable. Hence, this Court is inclined to transfer the proceeding in MOP.No.66 of 2023, pending on the file of the Family Court, Karaikal to the file of the Family Court, Pondicherry.



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4. In view of the above, M.O.P.No.66 of 2023 is withdrawn from the file of the Family Court, Karaikal and transferred to the file of the Family Court, Pondicherry, to be disposed of the case in accordance with law and the learned Family Judge, Karaikal is directed to send the entire records to the learned Family Judge, Pondicherry, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs. However, the learned Family Judge, Pondicherry is directed to issue notice to the respondent and dispose of the case as early as possible, as per manner known to law.

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Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

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To

1. The Family Judge, Karaikal.
2. The Family Judge, Pondicherry.



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T.V.THAMILSELVI, J.

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