



Tr.CMP No.1183 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-01-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1183 of 2022

and

C.M.P.No.20228 of 2022

Hema Josephine

.. Petitioner

vs.

Arul Martin

.. Respondent

PRAYER : This Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in FCIDOP No.150 of 2022 from the file of the Family Court at Ariyalur and transfer the same to the file of the Family Court at Puducherry.

For Petitioner : Ms.V.Kaaviya

For Respondent : Mr.R.Venkatesulu



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the FCIDOP No.150 of 2022 from the file of the Family Court at Ariyalur and transfer the same to the file of the Family Court at Puducherry.

2. The marriage between the petitioner and the respondent was solemnised on 23.08.2018 as per the Christian Rites and Customs. One male child was born from and out of the wedlock aged 3 year and now living with the petitioner.

3. The respondent filed FCIDOP No.150 of 2022 for dissolution of marriage now pending on the file of the Family Court at Ariyalur.



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4. The learned counsel for the petitioner states that the petitioner and her 3 year old male child are residing along with her aged parents at Puducherry and she has to look after the male child. The petitioner is unemployed and she is depending on her parents. Thus, she is not in a position to travel all along from Puducherry to Ariyalur to contest the divorce petition filed by the respondent before the Family Court at Ariyalur.

5. The learned counsel for the respondent raised an objection by stating that the petitioner is capable of contesting the divorce case at Ariyalur and therefore the present Transfer Civil Miscellaneous Petition is to be dismissed.

6. In the present case, the transfer of the case is to be considered, since the petitioner and her 3 year old male child are residing along with her parents at Puducherry. That being the case, the dissolution of marriage case filed by the respondent in FCIDOP No.150 of 2022 pending



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on the file of the Family Court at Ariyalur is to be transferred to the place, where the petitioner now resides.

7. Considering the facts and circumstances, the FCIDOP No.150 of 2022 pending on the file of the Family Court at Ariyalur stands transferred to the Family Court at Puducherry forthwith. The Family Court at Ariyalur is directed to transmit the case papers to the file of the Family Court at Puducherry, within a period of four weeks from the date of receipt of a copy of this order.

8. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23-01-2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

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- 1.The Judge,
Family Court,
Ariyalur.
- 2.The Judge,
Family Court,
Puducherry.



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S.M.SUBRAMANIAM, J.

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