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Tr.C.M.P.No. 1058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.1058 of 2023

and

C.M.P.No.25550 of 2023

Y.Amal Suzanne

D/o.Yesudass

... Petitioner

Versus

M.Chinnapparaj

S/o.Mariya Kumara Devaraj

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw I.D.O.P.No.147 of 2023 on the file of the learned Principal District and Sessions Court, Cuddalore and transfer the same to the Family Court, Puducherry.

For Petitioner : Ms.E.Thiyaga
for Mr.E.Balavijayan

For Respondent : Mr.K.Prakash



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ORDER

This petition has been preferred to withdraw and transfer I.D.O.P.No.147 of 2023 pending on the file of the Principal District and Sessions Court, Cuddalore to Family Court, Puducherry.

2. Heard the learned counsel for the petitioner and learned counsel for the respondent and perused the materials available on record.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.09.2019 at Saint Vinerppu Annai Alayam, Panikkankuppam, in accordance with Christian Rites and Customs. Out of the wedlock, a male child was born on 15.06.2020. Due to misunderstanding, the respondent deliberately sent the petitioner out of the matrimonial house with some ulterior motive. The respondent had filed a petition seeking dissolution of marriage on the ground of cruelty vide I.D.O.P.No.147 of 2023 before the Principal District and Sessions Court, Cuddalore,



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4. The learned counsel for the petitioner submitted that the petitioner is running a small business and the income which she earns through her business is the only source of her livelihood and it is very difficult for the petitioner to attend every Court hearings at Cuddalore with her child and seeks for transfer of the said petition.

5. Considering the facts that since the petitioner is the only person to take care of her child, she is residing in Pondicherry and she is not able to travel along with her child from Pondicherry to Cuddalore for attending Court hearings, this Court finds that the reason assigned by the petitioner for transfer of I.D.O.P.No.147 of 2023 is justifiable. Hence, this Court is inclined to transfer the proceeding in I.D.O.P.No.147 of 2023 pending on the file of the Principal District and Sessions Court, Cuddalore to the Family Court, Puducherry.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition in I.D.O.P.No.147 of 2023 filed by the respondent/husband is



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ordered to be withdrawn from the file of the Principal District and Sessions Court, Cuddalore and transferred to the file of the Family Court, Puducherry. The learned Judge, the Principal District and Sessions Court, Cuddalore is directed to transmit all the records pertaining to I.D.O.P.No.147 of 2023 to the file of the Family Court, Puducherry. within a period of two weeks from the date of receipt of a copy of this order. However, the learned Judge, Family Court, Puducherry. is directed to issue notice to the respondent and dispose of the case as early as possible in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

13.12.2023

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

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To
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1. The Principal District and Sessions Judge
Principal District and Sessions Court
Cuddalore.
2. The Judge,
Family Court,
Puducherry.

T.V.THAMILSELVI, J.



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