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TR.CMP.No.99 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.99 of 2023
and CMP.No.2131 of 2023

Parameswari

... Petitioner

Vs

Poovarasu

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer M.O.P.No.268/2022 on the file of Family Court, Pondicherry to Sub Court, Tindivanam.

For Petitioner : Mr.A.N.Rajan

For Respondent : No Appearance

ORDER

The petitioner-wife has presented this petition to withdraw the petition filed by the respondent-husband in M.O.P.No.268 of 2022 before the Family



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Court at Pondicherry and transfer it to Sub Court, Tindivanam.

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2. The petitioner is the wife. She married the respondent on 15.07.2019. From the wedlock, a male child was born, who is said to be two year old as of today. Owing to the alleged cruel behaviour of the husband and his illicit relationship with another lady, disputes arose between the husband and wife, and they got separated. The wife, feeling aggrieved by the activities of the husband, had lodged a complaint before the learned Judicial Magistrate No.II, Tindivanam in D.V.No.10/2022 and the same is pending. Thereafter, the husband had initiated a proceeding for dissolution of marriage before the Family Court at Pondicherry in M.O.P.No.268/2022. As the petitioner-wife has a two year old child, she moved this transfer petition seeking an order of this Court to withdraw the proceedings in M.O.P.No.268/2022 from its file and transfer the same to Sub Court, Tindivanam.

3. Notice was ordered to the respondent-husband in this petition and despite service of summons, the husband has not entered appearance.



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4. The remarks of the Family Judge, Pondicherry, which was sought by this Court to ascertain the stage of M.O.P.No.268/2022, has been placed before the Court. The learned Family Judge has stated that despite several attempts of counselling and mediation, the parties want to litigate rather than to settle.

5. Taking into consideration that the wife is having the custody of a toddler, I am inclined to allow this petition. Accordingly, the proceedings in M.O.P.No.268 of 2022 now pending on the file of Family Court, Pondicherry is withdrawn from its file and is transferred to Sub Court, Tindivanam. The learned Subordinate Judge, Tindivanam, as far as possible shall grant hearing dates which align with the dates granted by the learned Judicial Magistrate No.II, Tindivanam in D.V.No.10/2022 proceedings, so as to enable the parties to attend the court hearings in both the proceedings on the same date.

6. With the above directions, this transfer petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2024



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Index:Yes/No

Neutral Citation : Yes / No

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To:

- 1.The Family Court
Pondicherry.
- 2.The Sub Court
Tindivanam.
- 3.The Section Officer
VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.

ds

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