



Tr.C.M.P.Nos.199 & 200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.Nos.199 & 200 of 2024 and
C.M.P.Nos.3868 & 3872 of 2024

Tr.C.M.P.No.199 of 2024

Revathi

... Petitioner

Vs.

Murugan

... Respondent

Tr.C.M.P.No.200 of 2024

Revathi

... Petitioner

Vs.

1.Murugan

2.Ambiga

... Respondents

PRAYER in Tr.C.M.P.No.199 of 2024: Transfer Civil Miscellaneous
Petition filed under Section 24 of the Code of Civil Procedure, to withdraw
the MOP.No.372/2019 pending on the file of the Family Court, Puducherry
and transfer the same to the Family Court, Villupuram.



Tr.C.M.P.Nos.199 & 200 of 2024

PRAYER in Tr.C.M.P.No.200 of 2024: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the DVC.No.76/2019 pending on the file of the Chief Judicial Magistrate, Puducherry and transfer the same to the Judicial Magistrate No.I, Villupuram.

For Petitioner
in both revision : Mr.D.Ashok Kumar

COMMON ORDER

Tr.C.M.P.No.199 of 2024 has been filed seeking transfer of M.O.P.No.372 of 2019 filed by the respondent from the file of the Family Court at Puducherry to the file of the Family Court at Villupuram.

2.Tr.C.M.P.No.200 of 2024 has been filed seeking transfer of D.V.C.No.76 of 2019 filed by the petitioner from the file of the Chief Judicial Magistrate, Puducherry to the file of the Judicial Magistrate No.I, Villupuram.



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3.The respondent/husband filed M.O.P.No.372 of 2019 against the petitioner seeking dissolution of marriage, dated 09.02.2017. The petitioner filed domestic violence complaint in D.V.C.No.76 of 2019 against her husband and mother-in-law.

4.The learned counsel for the petitioner in both revisions submitted that the marriage between petitioner and respondent/husband solemnized on 09.02.2017. Out of their marriage, male child born on 05.03.2019. After six months of marriage, the respondent/husband and his mother-in-law started to ill-treat and abuse the petitioner and the respondent was not a dutiful husband and not even fulfill basic needs of the petitioner. Finally, the petitioner was chased out from the matrimonial home along with the male child. Now the petitioner and his child are surviving on the support of her parents. The learned counsel further submitted that the respondent filed divorce proceedings before the Family Court at Puducherry, however the same was set exparte on 09.11.2021. Thereafter, the petitioner filed restoration petition and the same is pending. Similarly, the petitioner could not appear before the domestic violence case before the Chief Judicial



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Magistrate, Puducherry, hence, the case was dismissed for default.

Thereafter, petition for restoration filed and same was posted on 09.02.2024. Non-appearance of the petitioner in both the proceedings is neither willful nor wanton. Since the petitioner is residing with her parents in Valavanur and she is the only person to take care of her child, she could not appear in both the proceedings in Puducherry. Hence, she prays for transfer of M.O.P.No.372 of 2019 to the file of the Family Court at Villupuram and D.V.C.No.76 of 2019 to the file of the Judicial Magistrate Court No.I, Villupuram.

5.Considering the submissions and on perusal of the materials, it is seen that the petitioner as a woman with great difficulty, travelling from Valavanur to Puducherry to appear before the Court proceedings. Earlier due to non-appearance of the petitioner, the divorce proceedings set exparte and the domestic violence case was dismissed. Now restoration petitions are pending.



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6.In view of the above, this Court withdraws M.O.P.No.372 of 2019 from the file of the Family Court at Puducherry and transfer the same to the file of the Family Court at Villupuram. Similarly, the case, in D.V.C.No.76 of 2019 is withdrawn from the file of the Chief Judicial Magistrate, Puducherry and transferred the same to the file of the Judicial Magistrate No.I, Villupuram.

7.In the result, both transfer civil miscellaneous petitions are allowed. Consequently, connected miscellaneous petitions are closed. No costs.

02.07.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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To

1.The Family Court,
Puducherry.

2.The Family Court,
Villupuram.



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M.NIRMAL KUMAR, J.

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