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Tr.C.M.P. No. 290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 290 of 2024

and

C.M.P. No. 5288 of 2024

S.Chitra

... Petitioner

Vs.

S.Bharathkumar

... Respondent

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P. No. 185 of 2023 pending on the file of the Sub-Court, Arakkonam and transfer the same to the Family Court, Puducherry.

For Petitioner : Mr. R.Manibarathi

For Respondent : Mr. A.Vijayasankar

ORDER

This transfer civil miscellaneous petition is at the instance of the wife.

2. The wife entered into matrimony with the respondent on 04.02.2018.

From the wedlock, a female child was born on 08.03.2020. Due to disputes and differences, the parties are separated.



3. The wife has initiated proceedings invoking Section 13(1)(i-a) of the Hindu Marriage Act, 1955. She has approached the Family Court at Puducherry and the case has been received as M.O.P. No. 577 of 2023. The husband too has filed a divorce petition in H.M.O.P. No. 185 of 2023 invoking the same provision. At least there is a unity between the husband and wife on the provision of law.

4. The wife, pleading that she is a permanent resident of Puducherry and dependent on her parents, has moved this transfer petition. She pleads that she finds it very difficult to travel from Puducherry to Arakkonam in order to contest the proceedings initiated by her husband.

5. Notice was ordered in this application on 15.03.2024. The respondent has entered appearance through Mr. A.Vijayasankar.

6. Mr.Vijayasankar would submit that the petitioner/wife is working at LENNOX India Technology Centre Private Limited, Taramani, Chennai.

7. I asked the learned counsel for the petitioner to get instructions.

8. Mr. R.Manibarathi would state that the petitioner/wife has resigned



from her employment on 17.11.2023 and she has been relieved from the said employment on 14.12.2023. He would plead that now she is residing with her parents at Puducherry. He would also bring forth the record to show that the child is now studying UKG at New Little Kids Plays School, Thanthai Periyar Nagar, Puducherry.

9. These records make it clear that the plea of the husband that the wife is the resident of Chennai is fallacious. Taking into consideration that there must not be conflict of judgments between the Courts at Puducherry and Arakkonam and further since the wife has initiated M.C. No. 52 of 2023 for which the husband is appearing at Puducherry, I am inclined to accept this transfer.

10. Accordingly, H.M.O.P. No. 185 of 2023 pending on the file of the Sub-Court, Arakkonam is withdrawn and transferred to the file of the Family Court at Puducherry to be heard and decided along with M.O.P. No. 577 of 2023. The learned Family Judge, Puducherry will club M.C. No. 52 of 2023 along with the two divorce petitions and dispose of the same by a common judgment.

11. In the result, the transfer miscellaneous petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.



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Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

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To

1. The Sub-Court, Arakkonam.
2. The Family Court, Puducherry.



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V.LAKSHMINARAYANAN, J.,

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