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Tr.CMP.No.331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.331 of 2024
and C.M.P.Nos.6874 & 6875 of 2024

K.Suganya

... Petitioner

Vs.

S.Udhayaraj

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw G.W.O.P.No.5170 of 2023 before the VI Additional Family Court, Chennai and transfer the same to the file of the Family Court, Pondicherry.

For Petitioner : Mr.E.V.Chandru
for Mr.E.Chandrasekaran
For Respondent : Mr.A.Manojkumar

ORDER

The petitioner/wife filed this petition seeking transfer of G.W.O.P.No.5170 of 2023 filed by the respondent/husband seeking visitation rights to visit his son, who is aged about four years.



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2.The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 16.11.2017 at Pondicherry. During the marriage, customary sridhana articles were presented. The petitioner is heading a multinational company in Chennai and receiving around Rs.3,00,000/- lakhs as salary. The respondent though a MCA graduate, due to the respondent's compulsion and requirement, she was taking care of the family. Out of their wedlock, they were blessed with a baby boy on 17.04.2020. The respondent's behaviour slowly changed against the petitioner and he started neglecting the respondent and the child. The child was suffering with respiratory issues right from the birth and he needs regular medical treatment, clean and serene environment. The respondent only focused on his job and his way of life, he used to have a life like ordering food for himself, going out alone and staying with his colleagues and friends late night and not bothered to take care of the family. The respondent's attitude and behaviour became worsen day by day and finally, the petitioner and the child were forced out from the matrimonial home and the petitioner is now staying with her parents under their mercy in Pondicherry. Earlier, there was a police complaint seeking



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return of sridhana articles and for cruelty, but no action was taken. The petitioner being a lady is now focused and forced to take care of the child's treatment in Pondicherry. She is constantly monitoring and visiting hospital and taking care of the child. After 01.10.2023, the respondent not bothered and enquired to find out the status and health condition of neither the petitioner nor the child. He further submitted that though the respondent seeks visitation right to project that he has love and affection towards the child, this petition filed in Chennai knowing well petitioner and the child are residing at Pondicherry. Though the respondent in words state that he is ready to take care of the medical expenses but in reality he has done nothing. He further submitted that earlier Tr.CMP.No.1162 of 2023 was filed by the petitioner seeking transfer of H.M.O.P.No.4606 of 2023 pending before the III Additional Family Court, Chennai and this Court by order dated 11.06.2024 transferred the case to Pondicherry. In view of the same, transferring G.W.O.P.No.5170 of 2023 to the file of the Family Court, Pondicherry would be beneficial to have a holistic view and dispose of both the cases within a stipulated period.



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3.The learned counsel for the respondent submitted that it is the petitioner who left the matrimonial home on her own and she is staying in Pondicherry along with the child. The respondent took several steps to meet the petitioner and enquire about the child's health condition but he was not permitted. The respondent filed a divorce petition in H.M.O.P.No.4606 of 2023 only after the petitioner and her brother forcibly entered the house of the respondent's brother who is a lawyer and abused him and gave life threat to him, for which police complaint lodged. He further submitted that on finding the petitioner adopting all methods to cause harassment, by filing domestic violence complaint in D.V.C.No.145 of 2023 before the learned Judicial Magistrate No.III, Puducherry, the petitioner filed the divorce petition and the Guardian Original Petition. The respondent is presently working as Vice President in Barclays Bank, Chennai and his work requirement is that he has to work at odd hours depending upon the international client's requirements which is misinterpreted as though the respondent spending long hours outside and not taking care of the family, there was matrimonial discord and taking advantage of the baby, the petitioner is causing harassment and humiliation to the respondent. The



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respondent is ready to pay the medical expenses and take back the petitioner and the child into the matrimonial home but it is the petitioner creating all obstacles.

4.Finding that this Court already transferred the divorce petition in H.M.O.P.No.4606 of 2023 to the file of the Family Court, Pondicherry, this Court is inclined to transfer G.W.O.P.No.5170 of 2023 to the file of the Family Court, Pondicherry to be tried along with H.M.O.P.No.4606 of 2023.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed.
No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index:Yes/No
Speaking Order: Yes/No
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M.NIRMAL KUMAR, J.

cse

To

- 1.The VI Additional Family Court,
Chennai.
- 2.The Family Court,
Pondicherry.

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