



WEB COPY



Tr.C.M.P.No.331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.331 of 2023 and
C.M.P.No.7461 of 2023

Subahasri

... Petitioner

Vs

Ashok Kumar

... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw and to transfer in H.M.O.P.No.12 of 2022 on the file of the Sub Court, Neyveli to Family Court, Puducherry.

For Petitioner : Mr.T.Yogesh

For Respondent : M/s.Sivagama Sundari
for Mr.S.Ramachandran

ORDER

The petitioner is the wife. The respondent is the husband. They got married on 24.06.2020. From the wedlock, a child was born who is aged about 2 years. The husband has initiated H.M.O.P.No.12 of 2022 on the file of the Sub Court at Neyveli. He seeks divorce on the grounds of cruelty.



Tr.C.M.P.No.331 of 2023

2. The petitioner wife is a resident of Pangoor Village which, she alleges, is about 100 kms away from Neyveli. As she is unable to travel, she seeks for H.M.O.P.No.12 of 2022 to be transferred from the file of the Sub Court at Neyveli to the file of the Family Court at Puducherry.

3. Mrs.Sivagama Sundari for the respondent submits that the wife was set *exparte* before the Neyveli Court.

4. Mr.T.Yogesh for the petitioner submits that the wife had filed an application in I.A.No.45 of 2023 to set aside the *exparte* order and the *exparte* order was also set aside on 11.03.2024. Along with the set aside petition, the petitioner wife has also filed her counter statement and the matter stands adjourned to 25.04.2024 for enquiry.

5. As the e-courts records have been produced to show that the *exparte* order has been set aside and the matter has been restored on to the file of the Court, I am inclined to transfer H.M.O.P.No.12 of 2022 on the file of the Sub Court at Neyveli to the file of the Family Court at Puducherry. I make it clear that the presence of the husband, who is said to be unemployed as on today, need not be insisted upon for every



Tr.C.M.P.No.331 of 2023

hearing. He may appear only for the essential hearings before the Court.

For all other non-essential and procedural hearings, he will be represented through a counsel.

6. With the above observations, the Tr.C.M.P. stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Sub Court,
Neyveli.

2.The Family Court,
Puducherry.



WEB COPY



Tr.C.M.P.No.331 of 2023

V. LAKSHMINARAYANAN, J.

Sgl

Tr.C.M.P.No.331 of 2023

17.04.2024