



Tr.CMP.No.628 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.628 of 2023

and

C.M.P.No.15727 of 2023

Lavanya

.. Petitioner

Vs.

Vinodh

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the proceeding in H.M.O.P.No.137 of 2023 on the file of the IV Family Court at Puducherry to the file of the Family Court at Cuddalore.

For Petitioner : Mr.N.U.Poressanna

For Respondent : Mr.R.Thirugnanam

ORDER

The distance between Puducherry and Cuddalore is hardly about 25 Kms.

2. The petitioner/wife is a permanent resident of Cuddalore. The



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respondent/husband is a resident of Puducherry. The parties got married on 25.04.2021 at Cuddalore. Due to differences in opinion between the husband and wife, the respondent/husband has initiated a proceeding in H.M.O.P.No.137 of 2023 before the IV Family Court at Puducherry.

3. The petitioner wants the proceeding to be transferred to Cuddalore on the ground that the distance between Puducherry and Cuddalore is considerable. The second ground she urges is that her inability to spend for lawyers at Puducherry, and the third ground being that the respondent belongs to a family of politicians.

4. Insofar as the distance is concerned, it is not considerable. The town of Puducherry and Cuddalore are well connected. Therefore, there is no difficulty for travelling.

5. Insofar as her second ground is concerned, if the husband is directed to pay a sum of Rs.2,000/- for every hearing that the petitioner attends at Puducherry, that will obviate her travel and lawyer expenses.



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6. Finally, apart from the general statement that he belongs to the "most powerful family of politicians in Puducherry region", no proof has been let in to that effect. A bald allegation that the respondent is a member of a political family would not pass muster.

7. Consequently, while I am not inclined to transfer the case from Puducherry to Cuddalore, I direct the respondent/husband to pay a sum of Rs.2,000/- for every hearing date that the petitioner appears in Puducherry to contest the case.

8. It is made clear that, in case, the amounts are not paid, this Court will be inclined to consider the transfer petition when filed afresh. Furthermore, the Family Court at Puducherry need not insist upon the appearance of the wife for every hearing. The presence of the petitioner/wife might be insisted upon only for essential hearings. For other non-essential hearings, the petitioner/wife may be represented through a counsel.

9. With the above directions, the Transfer Civil Miscellaneous



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Petition stands dismissed. No costs. Consequently, connected Civil

Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The IV Family Court,
Puducherry

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and

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