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Tr.C.M.P.No.624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.624 of 2023

and

C.M.P.No.15543 of 2023

Sneka

... Petitioner

VS

Karthikeyan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, 1908, to withdraw M.O.P.No.394 of 2023 on the file of the learned Family Judge at Puducherry and transfer the same to the file of the learned Principal Family Judge at Theni.

For Petitioner : Mr.A.Vijayakumar

For Respondent : Mr.M.Mohanraj
for Mr.D.Senthilkumar



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw M.O.P.No.394 of 2023 pending on the file of the learned Family Judge at Puducherry and transfer the same to the file of the learned Principal Family Judge at Theni.

2. The petitioner is the wife. She married the respondent on 13.06.2022 at Vanmathi Thirumana Mandapam, C.P.A. College Road, Bodinayakkanur Taluk, Theni District. Pursuant to the wedding, they set up the matrimonial home at Puducherry. Due to disputes and differences, the husband has presented M.O.P.No.394 of 2023 on the file of the Family Court at Puducherry. The petitioner/wife pleads that being a resident of Bodinayakkanur in Theni District, she is unable to travel from Theni District to Puducherry, which is separated by several 100 kms. Hence, the transfer petition.



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3. Notice was issued to the respondent in the transfer petition on 24.07.2023 and the respondent has entered appearance through Mr.D.Senthilkumar.

4. Heard Mr.A.Vijayakumar, learned counsel appearing for the petitioner and Mr.M.Mohanraj representing Mr.D.Senthilkumar, counsel for the respondent.

5. A perusal of the petition shows that the petitioner/wife is the resident of S.S.Puram, Bodinayakkanur Taluk, Theni District while the respondent/husband is resident of Thattanchavadi, Puducherry. Taking advantage of the fact that the matrimonial home was set up in Puducherry, the husband has presented a petition for divorce in M.O.P.No.394 of 2023 before the Family Court at Puducherry. The distance between Theni and Puducherry being considerable and petitioner/wife being aged about 22 years, it is not possible for her to travel all alone to cover the said distance and get back to her home.



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6. Taking into consideration the convenience of the wife, the transfer petition is allowed and the proceedings in M.O.P.No.394 of 2023 is withdrawn from the file of the Family Court at Puducherry and transferred to the file of the Principal Family Court, Theni.

7. Needless to add, the learned Principal Family Judge at Theni need not insist upon the appearance of the husband for every hearing. The husband need to be present only during the hearings, when his presence is essential and indispensable. For all other hearings, he will be represented through a counsel.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

11.07.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

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1.The Family Judge, Puducherry.

2.The Principal Family Judge, Theni.



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V.LAKSHMINARAYANAN, J.

dm

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