



WEB COPY



Tr.CMP.No.678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.678 of 2023

and

CMP.No.16663 of 2023

Elavarasi

... Petitioner

-Versus-

Elayaraja

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw FCOP.No.59 of 2022 pending on the file of the Family Court at Chengalpattu and transfer the same to the file of the Family Court at Puducherry to be posted along with D.V.C.No.35 of 2023 pending on the file of the Chief Judicial Magistrate Court at Puducherry.

For Petitioner : Mr.M.B.Dominique

For Respondent : Mr.M.Ganesan

ORDER

This transfer petition seeks to transfer the proceedings in FCOP.No.59 of 2022 pending on the file of the Family Court at Chengalpet to the file of the Family Court at Puducherry to be heard and tried along with DVC.No.35 of 2023 on the file of the Chief Judicial Magistrate, Puducherry.



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3. Insofar as the first portion of the prayer is concerned, it is not in dispute that from the wedlock which took place on 29.04.2009 between the petitioner and the respondent, two children have been born to them on 15.10.2010 and 28.02.2012. The children are in the custody of the wife. She pleads that the respondent/husband has not even maintained her or the children. She states that she is living in her mother's house and pleads financial as well as physical inability to travel from Puducherry to Chengalpet.

4. Taking into consideration the convenience of the wife as well as the distance from Puducherry to Chengalpet, I am inclined to consider this transfer petition. Accordingly, FCOP.No.59 of 2022 is withdrawn from the file of the Family Court at Chengalpet and is transferred to the file of the Family Court at Puducherry. It is made clear that the Family Court at Puducherry need not insist upon the respondent to appear for every hearing except the essential hearing. For non-essential or procedural hearings, he may be represented through a counsel.



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5. The Family Court, Puducherry is requested to give a date, as far as possible, on the same date on which the hearing takes place in DVC.No.35 of 2023 before the Chief Judicial Magistrate at Puducherry so as to obviate the difficulty caused to the husband in travelling twice.

6. With the above direction, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

11.06.2024

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Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : yes/No

To

- 1.The Family Court at Chengalpattu
- 2.The Family Court at Puducherry
- 3.The Chief Judicial Magistrate Court at Puducherry



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V.LAKSHMINARAYANAN, J.
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