



Tr.C.M.P.No.713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.09.2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No.713 of 2023

and

C.M.P.No.17342 of 2023

Dr.Sai Kowshika

..... Petitioner

-Versus-

Dr.Prasanth

..... Respondent

Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the case in M.O.P.No.382 of 2023 pending on the file of the Judge, Family Court, Puducherry, and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.C.T.Murugappan

*For Respondent : Mr.P.Sakthi Pooja for
Mr.M.Nirmal Kumar*

ORDER

This petition seeks transfer of the case in M.O.P.No.382 of 2023 from the file of the Judge, Family Court, Puducherry to the file of the Family Court at Chennai.



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2. The petitioner is a resident of Chennai. She married the respondent on 10.11.2021 at Chennai. The respondent/husband is an officer in the Indian Army. He is said to be stationed in the islands of Andaman and Nicobar. Pleading that the wife had left him without any reasonable cause, he has initiated a proceeding before the Family Court at Puducherry, under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights.

3. Pleading that she is unable to travel from Chennai to Puducherry as she has no support, the petitioner/wife has come forward with the present transfer petition.

4. Notice was ordered in this transfer petition on 24.06.2024 and Mr.M.Nirmal Kumar has entered appearance for the respondent/husband.

5. Heard Mr.C.T.Murugappan for the petitioner and Ms.Sakthi Pooja for Mr.M.Nirmal Kumar for the respondent/husband.

6. A perusal of the petition for restitution of conjugal rights as well as transfer petition shows that the petitioner is a permanent resident of Royapuram in Chennai. The respondent/husband being stationed in Island of Andaman and Nicobar, is obviously contesting the proceedings with the assistance of Power



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of attorney.

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7. Taking into consideration the convenience of the petitioner/wife, I am inclined to accept the transfer petition. Accordingly, M.O.P.No.382 of 2023 pending on the file of the Family Court at Puducherry is withdrawn and transferred to the file of the Family Court at Chennai.

8. Since the respondent/husband is an officer of Indian Army and it would not be possible for him to appear for every hearing, the Family Court at Chennai is requested not to insist upon the appearance of the respondent/husband for every hearing except the essential hearing. For non-essential or procedural hearings, the parties may be represented through a counsel.

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

Index : yes / no
Neutral Citation : yes / no

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To

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- 1.The Judge, Family Court, Puducherry, Union Territory of Puducherry.
- 2.The Principal Judge, Family Court, Chennai.



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V.LAKSHMINARAYANAN.J.,
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