



WEB COPY



Tr.C.M.P.No.857 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.857 of 2023 &
C.M.P.No.20479 of 2023

Ilantirayane

... Petitioner

-Versus-

Sathiya Sandirasekaran

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.892 of 2023 pending on the file of the I Additional Family Court at Chennai and transfer the same to the Family Court at Pondicherry.

For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mr.M.S.Gokulraj

ORDER

The husband seeks transfer of HMOP.No.892 of 2023 pending on the file of the I Additional Family Court at Chennai to the file of the Family Court at Pondicherry.



Tr.C.M.P.No.857 of 2023

WEB COP

2. The petitioner/husband is a resident of Pondicherry. The respondent/wife is living in Canada with her child. She claims to have authorised her mother to prosecute the petition filed by her.

3. Mr.Prakash Adiapadam would submit that all of them are permanent residents of Pondicherry and only in order to harass the petitioner, the present petition has been filed at Chennai.

4. In response, Mr.M.S.Gokulraj would submit that it is true that the respondent is residing in Canada, but her mother is a permanent resident of Royapuram within the jurisdictional limits of the Family Court at Chennai.

5. I verified the summons of this Court and it seems that the summons were served on the respondent at Royapuram, which shows that she has a residence here within the jurisdiction of Chennai.

6. Considering the overall circumstances, I am not inclined to transfer the proceedings from Chennai to Pondicherry as it would be very difficult for the



Tr.C.M.P.No.857 of 2023

respondent's power of attorney to travel from Chennai to Pondicherry for every hearing.

7. However, taking into consideration the submission of Prakash Adiapadam that his client is travelling from Pondicherry for every hearing, I am inclined to direct the learned Additional Family Court at Chennai not to insist upon the appearance of the petitioner for every hearing, but to insist upon his appearance only on those hearings where his presence is indispensable. For the remaining hearings, he will be represented through a counsel.

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

08.04.2024

nl

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order



Tr.C.M.P.No.857 of 2023

To

WEB COPY

- 1.The I Additional Family Court at Chennai
- 2.The Family Court at Pondicherry.



WEB COPY



Tr.C.M.P.No.857 of 2023

V.LAKSHMINARAYANAN, J.

nl

Tr.C.M.P.No.857 of 2023 &
C.M.P.No.20479 of 2023

08.04.2024