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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.C.M.P.No.10 of 2025

& CMP.No.369 of 2025

Kanimozhi

... Petitioner

VS.

Samaran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw M.O.P.No.3 of 2024, from the file of the Family Court, Puducherry and transfer the same to the Sub-Court (Family Court) at Tambaram, Chennai.

For Petitioner : Mr.S.Kannan

For Respondent : Mr.Prakash Adiapadam

ORDER

The petitioner/wife seeks transfer of the proceedings in MOP.No.3 of 2024 from the file of the Family Court, Puducherry, to the file of the Sub-Court (Family Court), Tambaram, Chennai.



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2.The petitioner expresses her difficulties for travelling to Puducherry for every hearing. The petitioner has also stated that she belongs to economically weaker section of the society.

3.The learned counsel for the respondent submits that though the respondent is an ordinary resident of Puducherry, he is presently employed at Cochin and he also has to frequently go abroad and therefore, it is not conducive for the petitioner to attend the hearings at Sub-Court at Tambaram. The learned counsel for the respondent further submits that the respondent initially wanted to restore the matrimonial ties and had initiated proceedings under Section 9 for restitution of conjugal rights. Despite the said application being allowed in favour of the respondent/husband, the petitioner/wife did not choose to join the husband and therefore, the husband was constrained to initiate the present proceedings in MOP.No.3 of 2024 for dissolution of the marriage.

4.Without going into the merits, considering the inconvenience expressed by the petitioner wife, the Transfer Civil Miscellaneous Petition



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is allowed and case in MOP.No.3 of 2024 on the file of the Family Court, Puducherry is hereby withdrawn and transferred to the file of the Sub-Court, Tambaram. Protecting the interest of the respondent/husband, the physical presence of the respondent/husband before the Sub-Court, Tambaram, may not be insisted upon, unless his presence is absolutely necessary for the purposes of chief/cross examination and not other hearings. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

04.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Family Court, Puducherry.
- 2.The Sub-Court (Family Court), Tambaram, Chennai.



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P.B. BALAJI,J.

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