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Tr.CMP.No.196 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.CMP.No.196 of 2025
and CMP.No.3903 of 2025

Mahalakshmi C.K.

... Petitioner

Vs.

Deepak.S.

... Respondent

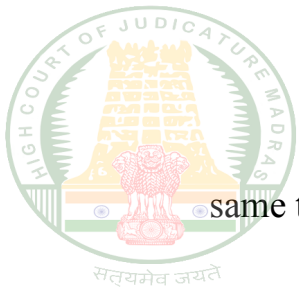
Prayer : Transfer Petition filed under Section 24 of Civil Procedure Code praying to withdraw and transfer the H.M.O.P.No.495 of 2024 pending before the learned Judge, Family Court, Puducherry and transfer the same to the IV Additional Family Court at Chennai.

For Petitioner : Mr.Ajay Francis Inigo Loyola

For Respondent : No appearance

ORDER

The petitioner-wife has filed the above transfer petition seeking to withdraw the H.M.O.P.No.495 of 2024 filed by the respondent-husband pending before the learned Judge, Family Court, Puducherry and transfer the



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same to IV Additional Family Court at Chennai.

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2. The brief facts are that the respondent had married the petitioner on 08.06.2016. Out of the wedlock, a daughter was born to them, who is now seven years old. Later, they had fallen apart due to various reasons. Owing to the cruelty faced by the petitioner-wife at the hands of the respondent-husband, she had filed a petition for divorce in H.M.O.P. No.3034 of 2024 before the Additional Family Court at Chennai. The respondent-husband is not maintaining the petitioner as well as her minor child. Hence, she had filed a petition in M.C.No.308 of 2024. The respondent-husband had also filed his counter to both the cases filed by the petitioner-wife.

3. The petitioner would submit that the respondent has now filed a petition for restitution of conjugal rights in H.M.O.P.No.495 of 2025 before the Family Court, Puducherry. According to the petitioner-wife, the respondent-husband knowing full well that she is the resident of Chennai and that it would be impossible for her to attend the Court proceedings regularly at Puducherry, has filed H.M.O.P.No.495 of 2025 only with a intention to harass the petitioner and to obtain an exparte order in HMOP.No.495 of 2025. Hence,



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the present transfer petition.

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4. Heard the learned counsel for the petitioner. Though the respondent-husband had been served with notice, he had neither chosen to appear in person or through counsel.

5. The petitioner had filed a petition for divorce in HMOP.No.3034 of 2024 before the IV Additional Family Court, Chennai. The petitioner is not residing at Puducherry or at Kallakurichi, which is the address given in HMOP.No.495 of 2024 filed by the husband. However, she presently resides at Saidapet, Chennai. The petitioner's daughter is undergoing her schooling at St.Patricks School, Adyar, Chennai, The petitioner states that she does not have her parents to take care of her and her minor child. Therefore, she finds it difficult to travel a distance of 166.2 kms from Chennai to Puducherry along with her minor child to attend the proceedings in HMOP.No.495 of 2024.

6. Considering the fact that the reasons given by the petitioner-wife clearly shows that it would be inconvenient for the petitioner to travel all the way from Chennai to Puducherry at attend every hearings, as the appearance



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of parties are required before the Family Court, this Court deems it appropriate to allow the present transfer petition.

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7. The present Transfer CMP is accordingly allowed and consequently, H.M.O.P. No.495 of 2024 pending on the file of the Family Court, Puducherry is withdrawn and transferred to the file of IV Additional Family Court at Chennai, to be tried along with H.M.O.P.No.3034 of 2024 and M.C.No.308 of 2024, filed by the petitioner-wife. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

- 1.The Judge
Family Court, Puducherry
- 2.The IV Additional Judge,
Family Court, Chennai.
- 3.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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