

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:6-2-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.441 of 2014

Tmt.Russiya

... Petitioner

Versus

M.Murugan

... Respondent

This petition is filed under Section 24 of C.P.C. to withdraw the H.M.O.P.No.75 of 2007 from the file of the Sub-Judge, Dharmapuri and transfer the same to the file of the Family Court Judge, Salem.

For Petitioner : Mr.M.Nandakumar

ORDER

The above transfer petition has been filed to transfer HMOP.No.75 of 2007 filed by the respondent seeking divorce before the Sub Court, Dharmapuri.

2. Though the respondent has been served and his name is printed in the cause list, no one entered appearance and therefore, this Court proceeds to decide the matter on merits.

3. Heard the learned counsel appearing for the petitioner. The marriage between the petitioner and the respondent was solemnised on 1.7.1999. Subsequently in 2007, there was some dispute between the petitioner and the respondent. The respondent filed HMOP.No.75 of 2007 on the file of Sub-Court, Dharmapuri seeking divorce. Though exparte order of divorce was obtained on 17.11.2008, subsequently the order was set aside and the matter is pending before the Sub-Court, Dharmapuri.

4. The petitioner contends that she is a teacher and she is unable to travel 65 kilometres to appear before the Sub-Court, Dharmapuri. Moreover, the petitioner already filed FCOP.No.151 of 2013 for restitution of conjugal rights and the same was ordered on 20.3.2014 by the Family Court Salem.

5. That apart, a domestic violence case filed by the petitioner in D.V.O.P.No.20 of 2014 is pending before the Additional Mahila Court, Salem and therefore, this court withdraws H.M.O.P.No.75 of 2007 from the file of Sub-Court, Dharmapuri and transfer the same to the file of Family Court, Salem. The Family Court, Salem is directed to dispose of the matter within four months from the date of the receipt of a copy of the order after giving opportunity to both the parties. The petition is ordered. Consequently the connected M.P.No.1 of 2014 is closed. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

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To

1. The Sub-Judge, Dharmapuri

2. The Family Court Judge, Salem

+lcc to Mr.N.S.K.Sivaraj, Advocate, S.R.No.6466

सत्यमेव जयते

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RJ(CO)
CA(02/03/2015)

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