

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

Tr.C.M.P. No. 677 of 2014

&

M.P. No. 1 of 2014

Arputha Jasitha ..Petitioner

Vs.

A. Selvaraj ..Respondent

Prayer: Petition seeking to withdraw I.D.O.P. NO. 28 of 2014 from the file of the District Court at Nagapattinam and to transfer the same to the District Court at Thanjavur.

For Petitioner :: Mr.P. Sesubalan Raja

For Respondent :: No appearance

O R D E R

This transfer C.M.P. is filed by one Arputha Jasitha, wife of the respondent herein, seeking transfer of I.D.O.P. No. 28 of 2014, filed by the respondent herein for dissolution of marriage, before the District Court at Nagapattinam, to the District Court at Thanjavur.

2. The marriage between the petitioner and the respondent was solemnized on 04.04.1991. Subsequently, disputes arose between them and they are living separately. The petitioner filed M.C.No. 14 of 2001 under Section 125 Cr.P.C. before Judicial Magistrate No.1 Thanjavur, seeking maintenance. The said petition was allowed directing the respondent to pay a sum of Rs.2,350/- towards maintenance to the petitioner and her children. However, the respondent failed to pay the above said amount and therefore, the petitioner filed Cr.M.P. No. 3623 of 2014 in M.C.No. 14 of 2001 seeking attachment of his salary to recover the arrears and the said proceedings are pending. While so, the respondent filed I.D.O.P. No. 28 of 2014 before District Court, Nagapattinam, seeking dissolution of marriage.

3. According to the learned counsel for the petitioner, since the petitioner is residing in Thanjavur along with her school going children, it is very difficult for her to travel all the way

from Thanjavur to Nagapattinam, where the divorce petition filed by the respondent is pending. Hence, the present transfer petition seeking transfer of the said I.D.O.P. from the file of District Court, Nagapattinam to the District Court at Thanjavur.

4. Though notice was served on the respondent and one Mr.V.G. Baskaran, learned counsel, filed vakalath on behalf of the respondent, he has not chosen to appear before this Court, in spite of several adjournments granted on previous occasions, namely, on 05.02.2015, 06.02.2015, 10.02.2015, 13.02.2015, 18.02.2015 and 23.02.2015 and in spite of having been informed over phone by the learned counsel for the petitioner about the posting of the case. When the matter was called on 23.02.2015, it was specifically noted that with a view to give one more opportunity to the respondent, the matter is posted today. But, even today, when the matter is called, neither the respondent nor his counsel is present. Therefore, this Court proceeds to decide the matter on merits.

5. Considering the fact that the petitioner/wife is living with her school going children in Thanjavur and that she is finding it difficult to travel from Thanjavur to Nagapattinam, the transfer petition is allowed and I.D.O.P. No. 28 of 2014 pending on the file of District Court, Nagapattinam, is transferred to the file of District Court, Thanjavur. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1. The District Judge, Nagapattinam.

2. The District Judge, Thanjavur.

+ 1 cc to Mr. Sesubalanraja, Advocate Sr.10358

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KM(CO)

EU 12.03.2015

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