

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.51 of 2016

and C.M.P.No.889 of 2016

M.Parkavi

... Petitioner

Vs.

S.Kishok Kumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw the H.M.O.P.No.666 of 2015 on the file of the Additional Family Court, Coimbatore and transfer the same to the Sub Court, Poonamallee.

For Petitioner : Mrs.K.Parkavi, Party-in-person

O R D E R

The respondent has been served with notice through Court. He did not claim the private notice sent by the petitioner by post with the permission of this Court. The name of the respondent stands printed in the cause list. Still, the respondent has not chosen to enter appearance either in-person or through counsel.

2. Mr.K.Moorthy, Advocate, who held vakalat for the petitioner submits that he has given consent for the petitioner engaging a different counsel. The petitioner Mrs.Parkavi is present in-person. She pleads inability to raise funds to pay the counsel engaged by her, which made the counsel to direct the petitioner to engage a different counsel.

3. The learned counsel could have rendered the legal service to a poor lady free of cost. However, this court cannot compel the counsel to do so. Hence, this Court deems it appropriate to hear the submissions to be made by the petitioner in-person. Accordingly, the submissions made by the petitioner are heard.

4. The petitioner is residing at Valasaravakkam, which comes under the jurisdiction of the Sub Court, Poonamallee.

What the petitioner now seeks is, the permission to avail the benefit conferred on her under Section 19[iii-a] of the Hindu Marriage Act, 1955. Admittedly, both the parties are Hindus and the marriage also took place under the Hindu Marriage Act. The Original Petition also came to be filed under the Hindu Marriage Act. Moreover, the respondent has not chosen to enter appearance to resist the petition for transfer. This Court is satisfied with the reasons assigned by the petitioner for seeking transfer of the H.M.O.P. from the file of the Additional Family Court, Coimbatore to the file of the Sub Court, Poonamallee.

5. Accordingly, the petition is allowed and H.M.O.P.No.666 of 2015 is withdrawn from the file of the Additional Family Court, Coimbatore and transferred to the file of the Sub Court, Poonamallee. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Judge
The Additional Family Court
Coimbatore

2.The Sub Judge,
Poonamallee

सत्यमेव जयते Tr.C.M.P.No.51 of 2016
and C.M.P.No.889 of 2016

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