



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2016

CORAM:

THE HON'BLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P (MD) No.477 of 2015

and

M.P. (MD) No.1 of 2015

R.S.Niranjana

... Petitioner/Respondent

Vs.

M.Maheswaran

... Respondent/Petitioner

Prayer : This petition is filed under section 24 of the Civil Procedure Code, to withdraw HMOP No.365 of 2014 on the file of the Family Court, Dindigul and to transfer the same to Family Court, Coimbatore for further adjudication.

For Petitioner : Mr.V.Sitharanjandas

For respondent : No appearance

O R D E R

This petition is filed under Section 24 of the Civil Procedure Code to withdraw the matrimonial proceedings in HMOP No.365 of 2014 from the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Coimbatore, for disposal.

2.Heard Mr.V.Sitharanjandas, learned counsel appearing for the petitioner. Despite service of notice on the respondent, he has not chosen to appear either in person or through his counsel. Therefore, there is no other go for this court, excepting to dispose of this transfer petition after hearing the learned counsel for the petitioner, in the absence of the respondent, on merit.

3.It is obvious to note here that the petitioner is the legally wedded wife of the respondent. Their marriage was solemnized on 02.03.2008 and on account of matrimonial tiff, they have been living separately for more than two years. During their separation, the petitioner had delivered a female child and now, she is aged about 7 years. Under these circumstances, the respondent herein had filed a petition in HMOP No.365 of 2014 before the



Family Court, Dindigul seeking for divorce on the ground of cruelty. The petitioner is residing with her parents along with her child and she is also practising Homeopathy medicine and running a Homeopathy Clinic at Coimbatore. Hence, she finds difficulty to travel 360 kms up and down along with her minor daughter to attend each and every hearing before the Family Court, Dindigul all along from Coimbatore.

4. Having been considered the relevant facts and circumstances and since, the petitioner finds difficult to attend each and every hearing before the Family Court, Dindigul along with her minor daughter, this court finds that it may be expedient to transfer the above matrimonial proceedings from the file of the Family Court, Dindigul to the file of the Family Court, Coimbatore.

5. Accordingly, the petition is allowed and the petition in HMOP No.365 of 2014 is ordered to be withdrawn from the file of the Family Court, Dindigul, and transferred to the file of the Family Court, Coimbatore for disposal, in the manner known to law. The transferor Court is ordered to transmit the entire records forthwith to the file of transferee Court, without any delay and the transferee Court, after obtaining the records on transfer, is directed to dispose the matter within a period of four months thereafter. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1. The Family Court,
Dindigul.
2. The Family Court,
Coimbatore.

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr. V. Sitharanjandas, Advocate, Sr.No.2955

Er

JM/GSV-PM/12.04.2016/2P-5C