

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.124 of 2015
and
M.P.No.1 of 2015

B.Agilandeswari .. Petitioner

Vs.

V.Bharathi .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case in F.C.O.P.No.9 of 2014 on the file of the Family Court, Salem and transfer the same to Sub-Court, Namakkal.

For petitioner : Mr.A.V.Arun

For respondent : Notice served - No appearance

ORDER

It is stated by the petitioner-wife that the respondent-husband had filed F.C.O.P.No.9 of 2014 before the Family Court, Salem, for dissolution of marriage. Out of their wed-lock, they have got two children. In spite of Police complaints and advises emerging therefrom, the respondent had not mend his ways, as he is a drunkard. It is stated that earlier, the respondent-husband has also filed F.C.O.P.No.156 of 2013 before the same Family Court, Salem, for restitution of conjugal rights, which was subsequently stated to have been withdrawn. As the petitioner-wife resides with her aged parents in Namakkal, she finds it difficult to travel from Namakkal to Salem, coupled with the fact that she has to look after the children. She could not travel and attend the Court hearings in Salem leaving the children and her parents at Namakkal. When the Tr.C.M.P. is taken up for hearing, though the respondent had been served with notice, there is no representation for the respondent, either in person or through counsel. In the Transfer cases, the convenience of the wife should be given preference for attending

her case hearings and taking into consideration the above facts and the grievances expressed by the petitioner, the Tr.C.M.P. is ordered, and F.C.O.P.No.9 of 2014 pending on the file of the Family Court, Salem, shall stand withdrawn and transferred to the Sub-Court, Namakkal. No costs. The Miscellaneous Petition is closed.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

cs

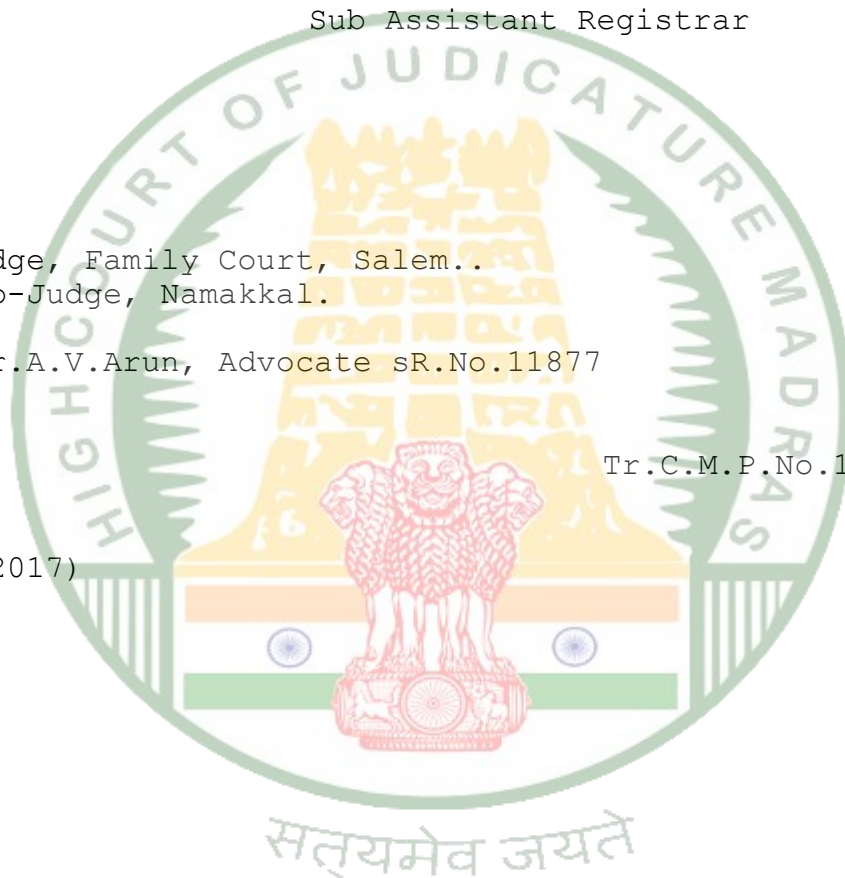
Copy to

1. The Judge, Family Court, Salem..
2. The Sub-Judge, Namakkal.

+1CC To Mr.A.V.Arun, Advocate sR.No.11877

Tr.C.M.P.No.124 of 2015

RK(CO)
GN(06/03/2017)



WEB COPY