



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P. (MD)No.110 of 2015

and

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

M.Kalaiselvi

... Petitioner/Respondent/Wife

Vs

K.Vairamuthu

... Respondent/Petitioner/Husband

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in H.M.O.P.No.2696 of 2014 pending on the file of the First Additional Family Court, Chennai and transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : Mr.S.Nagarajan

For Respondent : No Appearance

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ORDER

The petitioner is the wife and the respondent is the husband. Both the petitioner and the respondent got married on 13.06.2002 and a child was born to them on 10.12.2004. Thereafter, a matrimonial dispute arose between the parties and they have been separately living from the year 2013 onwards. Thereafter, the respondent-Wife filed H.M.O.P.No.2696 of 2014 on the file of the First Additional Family Court, Chennai, for divorce.

2.The petitioner herein is residing with the child along with her parents at Manamadurai, Sivagangai District. The petitioner does not have any income and she is being a lady is unable to travel leaving the child to Chennai. Therefore, the present petition has been filed.

3. Notice has been ordered to the respondent and the respondent was able to successfully evade the service. Therefore, this Court directed the learned Government Advocate to inform the respondent about the posting of the matter before this Court. Therefore, the police served the notice on the respondent on 04.01.2017, and the acknowledgement has been filed before this Court. Thereafter, the respondent's name has been printed in the cause-list.

4. When the matter is called today, the learned Counsel

appearing for the petitioner is present.

5. Though the name of the respondent has been printed, he has not appeared before this Court.

6. Since the petitioner is residing along with her children in Manamadurai, it is very difficult for her to travel to Chennai for every hearing. Since the presence of parties is necessary in family matters, this transfer petition is allowed and H.M.O.P.No.2696 of 2014 on the file of the First Additional Family Court, Chennai, is transferred to the Family Court, Sivagangai. No costs. Consequently, the connected Miscellaneous Petition is closed.

7. Even though this Court is entitled to pass ex-parte order, this Court passed this order on merits.

Sd/-

ASSISTANT REGISTRAR (WRITS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

TO

1. The Judge, First Additional Family Court,
Chennai.

2. The Judge, Family Court,
Sivagangai.

+1 cc to MR. NAGARAJAN, ADVOCATE, SR NO:4203

MAS/SV-MMS:13.02.2017:2P/4C

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25-01-2017