

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.08.2018

PRONOUNCED ON : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 477 of 2017

Sujeetha ... Petitioner

Vs.

S.Kamala Kannan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the above case in FCOP No.143 of 2017 from the file of the learned Judge of the Family Court, Erode, Erode District to the file of the learned Family Court, Coimbatore to be tried along with the case in D.V.C.No.15 of 2017.

For Petitioner : Mr.T.Shanmugam

For Respondent : No appearance

Set exparte vide order

dated 31.08.2018

ORDER

The petitioner is the wife. The respondent is the husband.

2.It is found that the respondent has levied divorce proceeding against the petitioner in FCOP No.143 of 2017 and the same is pending on the file of the Family Court, Erode, Erode District.

3. It is further seen that the petitioner has levied Domestic Violence case against the respondent and the same is pending on the file of the Judicial Magistrate Court No.II, Coimbatore, in DVC.No.15 of 2017.

4.Expressing certain inconvenience and hardship in travelling to Erode Court from her residence at Coimbatore as she has to take care of her child and also would incur financial expenses, accordingly, the petitioner has come forward with the present petition for the transfer of the case from the file of Erode Court to Coimbatore, Family Court.

5.The respondent, though, had been served in the matter, did not evince interest to contest the case of the petitioner. Accordingly, he has been set ex-parte.

6.Thus, it is found that the respondent has no defence to putforth as to the transfer request of the petitioner. As abovenoted, the respondent would be required to defend the Domestic Violence case laid against whom by the petitioner, which is pending on the file of the Magistrate Court, Coimbatore.

7.Thus, it is found that by way of transferring the divorce proceeding from Erode to Coimbatore Court, it is seen that no serious prejudice would be caused to the respondent and accordingly, it is found that he has also not chosen to contest the transfer claim of the petitioner.

8.The petitioner has also made out a sufficient cause by effecting the transfer prayed for.

9.For the reasons aforestated, the FCOP.No.143 of 2017 is withdrawn from the file of the Family Court, Erode and transferred to the file of the Family Court, Coimbatore, for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

10.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Family Court, Erode, Erode District.
- 2.The Family Court, Coimbatore.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in

Transfer CMP.No. 477 of 2017

10.09.2018