

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :16.08.2018

PRONOUNCED ON :23.08.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.205 of 2018

&

C.M.P.No.5925 of 2018

Gayathri

...Petitioner

Vs.

Manikandan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the Original Petition in H.M.O.P.No.605 of 2017 pending on the file of the Principal Family Court, Coimbatore and transfer the same to the Principal Family Court, Salem.

For Petitioner : Mr.K.Prabhakar

For Respondent : No appearance
Set exparte
Vide order dated 16.08.2018

सत्यमेव जयते

O R D E R

Petitioner is the wife. Respondent is the husband.

2.The respondent has levied H.M.O.P.No.605 of 2017 against the petitioner for divorce and the same is pending on the file of Principal Family Court, Coimbatore.

3.It is the case of the petitioner that she is residing with her aged mother at Salem and mentally and financially upset on account of the failure in the marital life and accordingly put forth a case that she is unable to travel to Coimbatore alone for attending the divorce proceeding initiated by the respondent

and further contended that if the proceeding abovestated is transferred to the Family Court, Coimbatore, no prejudice would be caused to the respondent and accordingly for the reasons aforestated, sought for the transfer of the proceeding above stated to the file of Principal Family Court Salem.

4.The respondent though had been served, has not evinced interest to contest the transfer request of the petitioner. Accordingly, it is found that inasmuch as the reasonings adduced by the petitioner that she would be put to loss and hardship, if she were to be directed to attend the divorce proceeding at Coimbatore, as she is staying with her aged mother and also she would incur heavy expenses in connection with the same and she would also be put to mental and financial distress are genuine and true and accordingly, it is seen that, unable to resist the same, it is found that the respondent has not chosen to contest the present matter. Further, by way of the same, it is found that by way of transferring the proceeding from Family Court, Coimbatore to the Family Court, Salem, no prejudice would be caused to the respondent.

5.In the light of the above factors, in the interest of justice, inasmuch the petitioner has made out a case for the transfer request as prayed for and accordingly, H.M.O.P.No.605 of 2017 is withdrawn from the file of Principal Family Court, Coimbatore and transferred to the file of Principal Family Court, Salem for disposal according to law.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Principal Family Court,
Coimbatore.

2.The Principal Family Court,
Salem.

+1cc Mr.K.Prabhakaran, Advocate sr.no.58241

Order made in
Tr.C.M.P.No.205 of 2018
&
C.M.P.No.5925 of 2018

nr 07/09/2018



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