

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.111 of 2019
and
C.M.P.No.3821 of 2019

M.Dharani

... Petitioner

Vs.

E.Manikandan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in HMOP. No.96 of 2018 pending on the file of the Subordinate Judge Sangagiri and transfer the same to the Family Court, Erode.

For Petitioner : Mr.P.Muthukumarasamy

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in HMOP. No.96 of 2018 pending on the file of the Family Court, Erode and transfer the same to the Family Court, Erode.

2. The Respondent and the petitioner are husband and wife. The marriage was solemnized between the petitioner and the respondent on 02.03.2017 at Sri Perumaathal Amman Temple, Anthiyur as per Hindu Rites and Custom. After marriage, the petitioner was residing in matrimonial home. From the day of marriage, the respondent and his mother harassed the petitioner Due to which, the petitioner left the matrimonial home. Thereafter, the petitioner filed a maintenance case in M.C.No.63 of 2018 on 10.12.2018 on the file of the Family Court, Erode. Thereafter, the respondent/husband filed a petition for divorce in HMOP. No.96 of 2018 before the Subordinate Judge, Sangagiri. The petitioner/wife is the resident of Erode. She finds it difficult to travel from Erode to Sangagiri to attend the hearings. Therefore, she seeks transfer of the divorce petition filed by the husband.

3. The learned counsel for the petitioner/wife would submit that the petitioner is unemployed. Despite having sufficient means, the respondent has neglected to maintain his wife. Hence, the petitioner has filed a maintenance petition before the Family Court, Erode. As a counter blast, the respondent has filed a divorce petition, only to harass the petitioner. The petitioner is now living along with her aged parents and she is depending upon her parents for her livelihood. Because of this, she is facing physical as well as financial hardships. Being a lady, it is very difficult for her to travel alone to Sangagiri for attending the Court proceedings. Therefore, it will be appropriate to transfer the case filed by the husband from Sangagiri to Erode.

4. This Court ordered notice on several occasions to the respondent through Court as well as privately. The Court notices were not yet returned either served or unreturned. As far as the private notice is concerned, the same has been served on the respondent. In spite of giving sufficient opportunities, the respondent is not appeared either in person or through his counsel before this Court. Hence, this Court is inclined to dispose of the matter on merits and in accordance with law.

5. Considering the convenience of the parties and physical hardship caused to the petitioner/wife, this Court is inclined to transfer the case from Subordinate court, Sangagiri to Family Court, Erode. Accordingly, HMOP. No.96 of 2018 pending on the file of Subordinate court, Sangagiri is withdrawn and transferred to the file of Family Court, Erode.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Judge Family Court, Erode.

2.The Subordinate Court, Sangagiri

+1 cc to Mr.V.Balamurugane Advocate sr95714

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