



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.254 of 2019
and C.M.P. No.7443 of 2019

S.Nanthini

... Petitioner

-vs-

Arunraj

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.213 of 2018 from the learned Principal Sub Judge, Mayiladuthurai and same may transfer to Sub Court at Chidambaram.

For Petitioner : Mr.R.Manikandan

For Respondent : No Appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.213 of 2018 pending on the file of the Principal Subordinate Court, Mayiladuthurai to the file of the Subordinate Court, Chidambaram.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 27.01.2012, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that due to escalation of disputes between the petitioner and the respondent, the petitioner and his son, namely, Bharath Raj, aged about 5 years, have been living along with the aged parents of the petitioner. While so, the respondent filed the H.M.O.P. No.213 of 2018 before the Principal Sub Court, Mayiladuthurai, Nagapattinam District seeking for the relief of divorce with false and frivolous allegations against the petitioner. However, the petitioner filed M.C. No.5 of 2018 before the learned Judicial Magistrate II, Chidambaram seeking maintenance.



3.As per the records maintained by the registry, notice was served on the respondent on 29.04.2019 and private notice taken with the leave of the Court by the counsel for the petitioner was served on 20.04.2019, but none appeared on behalf of the respondent.

4.Taking note of the fact that the Maintenance Case in M.C. No.5 of 2018 seeking maintenance filed by the petitioner was pending before the Judicial Magistrate II, Chidambaram and although notice has been served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the H.M.O.P. No.213 of 2018 pending before the Principal Subordinate Court, Mayiladuthurai to the file of the Subordinate Court, Chidambaram. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P. No.213 of 2018 pending on the file of the Principal Subordinate Court, Mayiladuthurai is withdrawn and transferred to the file of the Subordinate Court, Chidambaram.

5.The Subordinate Court, Chidambaram is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.7443 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Principal Sub Judge,
Mayiladuthurai.

2.The Subordinate Court,
Chidambaram.

+1cc to Mr.R.Manikandan, Advocate, S.R.No.52404

Tr. C.M.P. No.254 of 2019
and C.M.P. No.7443 of 2019

GP(CO)

RRS(13/08/2019)