



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.198 of 2019
and C.M.P. No.6103 of 2019

G.Krithika

... Petitioner

-vs-

P.Gnanamani

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in H.M.O.P. No.307 of 2018 pending on the file of the Sub-Court, Kancheepuram and transfer the same to the file of the Family Court, Puducherry.

For Petitioner : Mr.K.S.Ilangovan
for M/s. Achari and Antoni

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.307 of 2018 pending on the file of the Sub-Court, Kancheepuram to the file of the Family Court, Puducherry.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 21.08.2015 at Bakkiya Mahal, Mettupalayam, Vazhudhavor Road, Pondicherry, as per Hindu rites and customs and the same was registered on 24.03.2017. According to the learned counsel for the petitioner, prior to the marriage, the petitioner was working at United States of America as Software Engineer and again she got an offer to work in USA, but the respondent has not allowed her to go to USA only because that she will earn more than the respondent. In the meanwhile, due to difference of opinion arose between themselves, the respondent has filed a petition in H.M.O.P. No.307 of 2018 before the Sub Court, Kancheepuram seeking dissolution of marriage only for the purpose of harassing the petitioner. As she was residing with her aged and sick



parents at Puducherry, she is unable to undertake long travel and therefore, if the said H.M.O.P. No.307 of 2018 is transferred to the file of the Family Court, Puducherry, no prejudice will be caused to the respondent.

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3.As per the records maintained by the registry, notice was served on the respondent on 22.03.2019 and private notice sent by the learned counsel for the petitioner, but there is no representation on behalf of the respondent either by engaging counsel or by himself.

4.Taking note of the fact that although service is complete, the respondent has not chosen to appear before this Court, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the H.M.O.P. No.307 of 2018 pending on the file of the Subordinate Court, Kancheepuram to the file of the Family Court, Puducherry. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.307 of 2018 pending on the file of the Subordinate Court, Kancheepuram is withdrawn and transferred to the file of the Family Court, Puducherry.

5.The Family Court, Puducherry is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.6103 of 2019 is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,Sub-Court, Kancheepuram.

2.The Judge,Family Court, Pucucherry.

+1cc to M/s. Achari and Antoni , Advocate SR.No. 48866

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A.SK(31/07/2019)