

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.272 of 2019
and C.M.P. No.7743 of 2019

Meena

... Petitioner

-vs-

Prabhu

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.192 of 2018 from the file of the Subordinate Court, Pudukottai and transfer the same to the file of the Subordinate Court, Nagapattinam where the case in H.M.O.P. No.39 of 2018 filed by the petitioner is pending.

For Petitioner : Mr.A.Damodaran

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.192 of 2018 pending on the file of the Subordinate Court, Pudukottai to the file of the Subordinate Court, Nagapattinam.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 12.09.2010 at Karthik Thirumana Mahal, Pudukottai, as per Hindu Rites and Customs and out of the wedlock, a male child by name Deenadayalan was born on 02.06.2012. In support of the prayer, learned counsel appearing for the petitioner pleaded that after marriage, the petitioner came to know that the respondent was having illicit intimacy with one lady and when the petitioner questioned the same, she was brutally attacked and driven out of the matrimonial home and thereafter, she was living separately along with her parents and minor son. While so, the respondent filed the H.M.O.P. No.192 of 2018 before the Subordinate Court, Pudukottai seeking for the relief of divorce with false and frivolous allegations against the petitioner. However, the petitioner filed

H.M.O.P. No.39 of 2018 before the Subordinate Court, Nagapattinam seeking dissolution of marriage.

3.Learned counsel appearing for the petitioner would further submit that the petitioner finds it very difficult to attend the Court at Pudukottai, which is situated 300 kms. to and fro away from the petitioner's place of residence namely Nagapattinam, along with her son for every hearing. Therefore, if the H.M.O.P. No.192 of 2018 is transferred to the file of Subordinate Court, Nagapattinam, no prejudice will be caused to the respondent.

4.As per the records maintained by the registry, notice was served on the respondent on 16.04.2019 and private notice has also been taken with the leave of the Court, but none appeared on behalf of the respondent.

5.Taking note of the fact that the petition in H.M.O.P. No.39 of 2018 seeking dissolution of marriage, filed by the petitioner was pending before the Subordinate Court, Nagapattinam 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.192 of 2018 pending before the Subordinate Court, Pudukottai to the file of the Subordinate Court, Nagapattinam. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.192 of 2018 pending on the file of the Subordinate Court, Pudukottai is withdrawn and transferred to the file of the Subordinate Court, Nagapattinam.

6.The Subordinate Court, Nagapattinam 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.7743 of 2019 is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(imp cell)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge, Pudukottai.

2.The Subordinate Judge, Nagapattinam.

Tr. C.M.P. No.272 of 2019
and C.M.P. No.7743 of 2019

A.SK(19/07/2019)