

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.263 of 2019
and C.M.P. No.7598 of 2019

L.Rajessware

... Petitioner

-vs-

S.Vijayakumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in H.M.O.P. No.1789 of 2018 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.V.S.Kesavan

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.1789 of 2018 pending on the file of the Family Court, Coimbatore to the file of the Family Court, Erode.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 12.02.2012 at Arulmigu Sree Baladhandayuthabani Thirukkivil, Gandhi Park, Coimbatore, as per the Hindu rites and customs and out of the wedlock, a female child namely, Sai Eikshitha who is affected by Mosaic Down Syndrome, born on 05.12.2012 and the same affects her language development, for which, she has been given regular treatment at Erode. While so, the respondent, who is not taking care of the child either for her treatment or for her education, has filed a petition for divorce before the Family Court, Coimbatore in H.M.O.P. No.1789 of 2018 by making false and frivolous allegations against the petitioner. According to the learned counsel appearing for the petitioner, as the petitioner has been residing at Erode with the above said 7 years old daughter under the shelter of her parents, it is very difficult to travel from Erode to Coimbatore, which is more than 100 k.m. away from Erode and therefore, if the said H.M.O.P. No.1789 of 2018 is transferred

to the file of the Family Court, Erode, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 12.04.2019 and private notice has also been taken 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.1789 of 2018 pending on the file of the Family Court, Coimbatore to the file of the Family Court, Erode. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.1789 of 2018 pending on the file of the Family Court, Coimbatore is withdrawn and transferred to the file of the Family Court, Erode.

5.The Family Court, Erode 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.7598 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Family Court,
Coimbatore.

2.The Family Court, Erode.

+1 cc to Mr.V.S.Kesavan, Advocate, Sr.No. 45958

CSL/02.07.2019

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