

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.343 of 2019
and C.M.P. No.9899 of 2019

M.Rajkumar

... Petitioner

-VS-

Manimegala

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.32 of 2017 now numbered as Family Court Case No.104 of 2018 on the file of Principal Subordinate Judge, Cuddalore and transfer the same to the file of any of the Family Court at Puducherry.

For Petitioner : Ms.Sharmila Jain for
M/s.Shah and Shah

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.32 of 2017 renumbered as O.P. No.104 of 2018 pending on the file of the Principal Subordinate Court, Cuddalore 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 25.11.1991. Due to some matrimonial disputes, the respondent filed a petition in H.M.O.P. No.32 of 2017 which has been renumbered as Family Court O.P. No.104 of 2018 seeking divorce. According to the learned counsel appearing for the petitioner, due to some health problem, the petitioner being a husband, finds it difficult to travel from Puducherry to Cuddalore and therefore, if the H.M.O.P. No.32 of 2017 renumbered as O.P. No.104 of 2018 pending on the file of the Principal Subordinate Court, Cuddalore is transferred to the file of the Family Court, Puducherry, no prejudice would be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 10.05.2019 and private notice taken by the counsel for the petitioner with the leave of the Court has been returned with an endorsement 'left India', but there is no representation on behalf of the respondent either by engaging counsel or by herself.

4.Taking note of the fact that although notice has been served on the respondent, no one appeared on her 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.32 of 2017, now renumbered as O.P. No.104 of 2018 pending on the file of the Principal Subordinate Judge, Cuddalore to the file of the I Additional Family Court, Puducherry. Accordingly, the Tr. C.M.P. is allowed and the O.P. No.104 of 2018 pending on the file of the Principal Subordinate Judge, Cuddalore is withdrawn and transferred to the file of the I Additional Family Court, Puducherry.

5.The I Additional 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.9899 of 2019 is closed.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

vga

To

1.The I Additional Family Court,
Puducherry.

2.The Principal Subordinate Judge,
Cuddalore.

+1 cc to M/S.Shah & Shah, Advocate, S.R.No.53705

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PA (CO)
SSM(29/07/2019)