

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.252 of 2019
and C.M.P. No.7417 of 2019

P.Kavitha

... Petitioner

-vs-

R.Satish

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in H.M.O.P. No.71 of 2019 pending on the file of the Family Court, Salem and transfer the same to the Family Court, Chennai.

For Petitioner : Ms.Fidella

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.71 of 2019 pending on the file of the Family Court, Salem to the file of the Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 09.09.2015 at Sri Nyanar Subramanian Koil, Kamakoti Street, Salem. After the marriage, due to disputes arose between themselves, they started to live separately. While so, the respondent filed a petition for divorce before the Family Court, Salem in H.M.O.P. No.71 of 2019 by making false and frivolous allegations against the petitioner, who is living with her parents at Chennai. According to the learned counsel appearing for the petitioner, as the petitioner has to travel about 6 hours on each hearing, it would cause difficulty and inconvenience for accommodation and other miscellaneous expenses and therefore, if the said H.M.O.P. No.71 of 2019 is transferred to the file of the Family Court, Chennai, 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.71 of 2019 pending on the file of the Family Court, Salem to the file of the Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.71 of 2019 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Family Court, Chennai.

5.The Family Court, Chennai 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.7417 of 2019 is closed.

Sd/-

Joint Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Family Court, Salem.

2.The Family Court, Chennai.

+lcc to Mr.M.Fidelia, Advocate, S.R.No.45687

Tr. C.M.P. No.252 of 2019
and C.M.P. No.7417 of 2019

KS (CO)

RRS (05/07/2019)

सत्यमेव जयते

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