

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.266 of 2019
and C.M.P. No.7659 of 2019

G. Jayarani

... Petitioner

-vs-

Arvind Arivazhagan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw H.M.O.P.No.897 of 2019 pending on the file of II Additional Family Court, Chennai and transfer the same to Subordinate Court, Mayiladuthurai.

For Petitioner : Ms.C.Meera Arumugam

For Respondent : No appearance

O R D E R

Ms.G. Jayarani, W/o Mr.Aravind Arivazhagan, the respondent herein, has filed the present petition seeking to withdraw HMOP No.897 of 2019, pending on the file of II Additional Family Court, Chennai and transfer the same to Subordinate Court, Mayiladuthurai.

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 25.05.2018 at Kumbakonam. Subsequently, the respondent/husband filed a petition in HMOP No.897 of 2019 before II Additional Family Court, Chennai under Section 12(1) (a) of the Hindu Marriage Act, 1955 to pass a decree to nullify the marriage that was solemnized on 25.05.2018 at OVM Aamsa Valli Kalyana Mahal, Madhatheru, Kumbakonam as per Hindu Rites and Customs. The learned counsel further submitted that the petitioner, being a lady is not able to travel for 300 kms to defend the case.

3. Apart from that, as per the records maintained by the Registry, notice was served on the respondent and private Notice was also served on 27.06.2019, but inspite of service of notice, the respondent has not chosen to engage any counsel or appear before this court which shows that he has no objection for transfer of H.M.O.P.No.897 of 2019. Moreover, the distance between Chennai to Kumbakonam is about 300 kms, which would be very difficult for the petitioner to undertake long journey. Hence, this Court is inclined to transfer H.M.O.P.No.897 of 2019 pending on the file of the II Additional Family Court, Chennai.

4. Accordingly, Tr. C.M.P. is allowed and the H.M.O.P.No.897 of 2019 pending on the file of II Additional Family Court, Chennai is withdrawn and the same is transferred to the file of the Subordinate Court, Mayiladuthurai.

5. The II Additional Family Court, Chennai is directed to send the entire records in HMOP No.897 of 2019 to the Subordinate Court, Mayiladuthurai forthwith and the learned Sub Judge, Subordinate Court, Mayiladuthurai is directed to take up HMOP. 897/2019 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

sr
To

1.The II Additional Family Court, Chennai
2.The Subordinate Court, Mayiladuthurai

+1cc to Mr.C.Meera Arumugam Advocate, S.R.No.67906

SPD(CO)
CB(19/09/2019)

Tr. C.M.P. No.266 of 2019
and C.M.P. No.7659 of 2019