

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.309 of 2019 and
CMP.No.9017 of 2019

R.Nalini

.. Petitioner

vs.

G.Balasubramanian

.. Respondent

Civil Miscellaneous Appeal filed under Section 24 of C.P.C. seeking to withdraw HMOP.No.24/2019 on the file of the Family Court, Madurai and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.K.S.Karthik Raja

For respondent : No Appearance

JUDGMENT

The present Transfer Civil Miscellaneous Petition has been filed by the petitioner wife, who is the mother of two minor children aged about 16 and 14 respectively, seeking to withdraw HMOP.No.24/2019 on the file of the Family Court, Madurai, filed by the respondent husband seeking a decree for divorce thereby dissolving the marriage took place between the petitioner and the respondent on 05.06.2000 and transfer the same to the Family Court, Coimbatore.

2. When the matter was called today i.e. on 19.07.2019, the learned Counsel for the petitioner was present, but, there was no representation on behalf of the respondent either by himself or through any Counsel.

3. A perusal of the records would reveal that the court notice was served on the respondent on 24.06.2019 whereas the private notice was served on 16.4.2019 and an affidavit of proof has also been filed. Under such circumstances, firstly, it is not known why the respondent has not come to this Court to prosecute the matter which shows that he has no objection in allowing the present Transfer CMP. Secondly, the petitioner is also having two minor children aged about 16 and 14 respectively

and it is difficult for her to travel Coimbatore to Madurai for every hearing. Thirdly, the petitioner has also filed M.C.No.2/2008 before the Family Court, Coimbatore claiming maintenance. Fourthly, it appears that the HMOP.No.120/2009 filed by the respondent husband was dismissed by the learned Judge, Family Court, Coimbatore, while partly allowing M.C.No.2/2008 filed by the petitioner wife by a Common Order dated 2.7.2009 and as against the said order, no appeal has been filed by the respondent husband. Therefore, this Court deems it fit to allow the present Transfer CMP.

4. Accordingly, the present Transfer Civil Miscellaneous Petition stands allowed and the HMOP.No.24/2019 pending on the file of the Family Court, Madurai is withdrawn and transferred to the Family Court, Coimbatore with a direction to the Presiding Officer to dispose of the matter expeditiously on merit. No costs. Consequently, connected Miscellaneous Petition is closed.

tsi

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Judge, Family Court, Madurai.
2. The Judge, Family Court, Coimbatore.

+lcc to Mr.K.S.Karthik Raja, Advocate sr.62112

सत्यमेव जयते

Tr.CMP.No.309 of 2019

ad(co)
nr 28/08/2019

WEB COPY