

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.277 of 2019
and C.M.P. No.8020 of 2019

K.Subhashini

... Petitioner

-VS-

J.Gurudevan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the F.C.O.P. No.527 of 2018 on the file of the Family Judge, Salem and transfer the same to Subordinate Judge, Coimbatore.

For Petitioner : Mr.C.Santhosh Kumar
For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the F.C.O.P. No.527 of 2018 pending on the file of the Family Court, Salem to the file of the Subordinate Court, Coimbatore.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 22.05.2013 at Arulmighu Sughavaneshwarar Temple, Salem, as per Hindu Rites and Customs. In support of the prayer, learned counsel for the petitioner pleaded that the respondent used to physically assault the petitioner every day and used to torture her demanding dowry and the respondent is trying to contract a second marriage. According to the learned counsel appearing for the petitioner, unable to tolerate the cruel acts of the respondent, the petitioner filed a petition seeking divorce in H.M.O.P. No.34 of 2018 on the file of the Subordinate Court, Coimbatore. In order to further harass the petitioner, the respondent filed an F.C.O.P. No.527 of 2018 before the Family Court, Salem Chennai for restitution of conjugal rights. Learned counsel appearing for the petitioner would further submit that as the petitioner has been living with her parents in Coimbatore, she finds it difficult to travel alone to Salem to attend the case and therefore, if the F.C.O.P. No.527 of 2018 is transferred to the Subordinate Court, Coimbatore, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 03.05.2019 and private notice has also been taken with the leave of the Court, but none appeared on behalf of the respondent.

4.Taking note of the fact that the petition in H.M.O.P. No.34 of 2018 filed by the petitioner seeking divorce was pending before the Subordinate Court, Coimbatore and although notice has been served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the F.C.O.P. No.527 of 2018 pending before the Family Court, Salem to the file of the Subordinate Court, Coimbatore. Accordingly, the Tr. C.M.P. is allowed and the F.C.O.P. No.527 of 2018 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Subordinate Court, Coimbatore.

5.The Subordinate Court, Coimbatore is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.8020 of 2019 is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Judge, Family Court, Salem.

2.The Subordinate Judge, Coimbatore.

+1 cc to M/s.A.L.Gandhimathi, Advocate, Sr.No. 46583

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CSL/11.07.2019

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