

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.275 of 2019
and C.M.P. No.7880 of 2019

Dhanalakshmi

... Petitioner

-vs-

Gopal @ Nirmalraj

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in F.C.O.P. No.133 of 2017 pending on the file of the Family Court, Chengalpet and transfer the same to the Sub Court, Poonamallee.

For Petitioner : Mr.T.G.Ravichandran

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.133 of 2017 pending on the file of the Family Court, Chengalpet to the file of the Subordinate Court, Poonamallee.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 22.08.2016 at Kaveri Marriage Hall, Kundrathur. After the marriage, the respondent and mother in law have demanded all gold jewels except Thali chain for the purpose of construction of new house. According to the learned counsel appearing for the petitioner, due to unbearable cruelty met out by the petitioner, she left the matrimonial house and started to live with her parents. While so, the respondent filed a petition for divorce before the Family Court, Chengalpet in F.C.O.P. No.133 of 2017 by making false and frivolous allegations against the petitioner. According to the learned counsel appearing for the petitioner, as the petitioner has to undertake long journey to attend the case before Chengalpet for every hearing, it would cause difficulty and inconvenience for accommodation and other miscellaneous expenses and therefore, if the said F.C.O.P.

No.133 of 2017 is transferred to the file of the Subordinate Court, Poonamallee, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 15.04.2019 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 F.C.O.P. No.133 of 2017 pending on the file of the Family Court, Chengalpet to the file of the Subordinate Court, Poonamallee. Accordingly, the Tr. C.M.P. is allowed and the F.C.O.P. No.133 of 2017 pending on the file of the Family Court, Chengalpet is withdrawn and transferred to the file of the Subordinate Court, Poonamallee.

5.The Subordinate Court, Poonamallee 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.7880 of 2019 is closed.

Sd/-
Deputy Registrar (CJ CONF)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Judge, Family Court, Chengalpet.

2.The Subordinate Court, Poonamallee.

+1cc to Mr.T.G.Ravichandran , Advocate SR.No. 46132

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A.SK(01/07/2019)