



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2019

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.316 of 2019
and C.M.P. No.9306 of 2019

Uma

... Petitioner

-vs-

T.Nalinikanth

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.88 of 2018 on the file of the Subordinate Court, Thiruvarur and transfer the same to the file of the learned Family Court at Chengalpattu or to any other Court in Chennai.

For Petitioner : Mr.M.Raja Sekhar

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.88 of 2018 pending on the file of the Subordinate Court, Thiruvarur to the file of the Family Court, Chengalpattu.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 11.05.2012, as per Hindu rites and customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that out of the wedlock, she is having 7 years old boy. Due to some matrimonial disputes between the petitioner and the respondent, the petitioner left the matrimonial house and now depending upon her aged parents for her livelihood. In order to further harass the petitioner, the respondent filed H.M.O.P. No.88 of 2018 for restitution of conjugal rights before the Subordinate Court, Thiruvarur. Since she has been living in Guduvancherry along with her child and aged parents, she finds it difficult to travel from Chengalpattu to Thiruvarur, which is around 260 k.ms and therefore, if the H.M.O.P. No.88 of 2018 is transferred to the file of the Family



Court, Chengalpattu, no prejudice would be caused to the respondent.

3.As per the records maintained by the registry, private notice taken with the leave of the Court by the counsel for the petitioner was served on 22.04.2019, but none appeared on behalf of the respondent.

4.Taking note of the fact that the petitioner, being a lady, finds it difficult to take long journey from Chengalpattu to Thiruvarur and although private 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 H.M.O.P. No.88 of 2018 pending before the Subordinate Court, Thiruvarur to the file of the Family Court, Chengalpattu. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P. No.88 of 2018 pending on the file of the Subordinate Court, Thiruvarur is withdrawn and transferred to the file of the Family Court, Chengalpattu.

5.The Family Court, Chengalpattu 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.9306 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Subordinate Judge,
Thiruvarur.

2.The Judge,
Family Court,
Chengalpattu.

+1cc to M/s.M.Raja Sekar, Advocate Sr.53093

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bp[co]
srg 21/08/2019