

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.405 of 2019
and C.M.P. No.10937 of 2019

D.Nithya

... Petitioner/Respondent

-vs-

P.Ashokkumar

.... Respondent/Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.215 of 2018 pending on the file of the Subordinate Court, Omalur and to transfer the same to Family Court, Salem by allowing this Transfer Petition.

For Petitioner : Mr.S.Udaya Kumar for
M/s.Karan and Uday

For Respondent : No Appearance

O R D E R

Nithya, the petitioner herein, wife of P.Ashok Kumar, the respondent herein, has filed F.C.O.P. No.447 of 2018 before the Family Court, Salem seeking restitution of conjugal rights, whereas the husband has filed a petition in H.M.O.P. No.215 of 2018 before the Sub Court, Omalur seeking divorce.

2.As the petitioner finds it difficult to contest the divorce petition before the Subordinate Court, Omalur, which is far away from her residence, she has been advised to come to this Court seeking transfer.

3.As per the records maintained by the registry, Court notice has been served on the respondent on 12.06.2019, 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 Salem to Omalur 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 and in any event, the respondent has to attend the hearing in F.C.O.P. No.447 of 2018 before the Family Court, Salem seeking restitution of conjugal rights, this Court is inclined to transfer the H.M.O.P. No.215 of 2018 pending before the Subordinate Court, Omalur to the file of the Family Court, Salem. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P. No.215 of 2018 pending on the file of the Subordinate Court, Omalur is withdrawn and transferred to the file of the Family Court, Salem.

5.The Family Court, Salem 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.10937 of 2019 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Court,
Omalur.

2.The Family Court,
Salem.

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