

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.336 of 2019
and
C.M.P.No.9735 of 2019

Karthika

... Petitioner

Vs.

Ananth

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the pending case in I.D.O.P.No.245 of 2018 on the file of the Family Court, Nagarcoil, and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner : Mr.Bejjam Raju

For Respondent : No Appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.245 of 2018, pending on the file of the Family Court, Nagarcoil, and to transfer the same to the file of the Principal Family Court, Chennai. Although a notice through Court as well as privately was served on the respondent/husband on 24.05.2019, he has not responded to the same.

2. The petitioner is the wife and the respondent is the husband. The above said I.D.O.P.No.245 of 2018 was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 04.05.2017 and since the date of the marriage, the behaviour of the respondent as well as his family members were not conductive and therefore, apprehending that continuing her stay in the matrimonial house would be a dangerous one, she joined her parental house at Chennai. Subsequently, the respondent/husband had filed the above said I.D.O.P.No.245 of 2018 before the Family Court, Nagarcoil, seeking for restitution of conjugal rights. Now, the petitioner/wife has filed the

present Transfer Civil Miscellaneous Petition seeking to transfer the same to the file of the Principal Family Court, Chennai, stating that she is unable to attend the hearing as she has to travel more than 650 kms. (Chennai to Nagarcoil) for each and every hearing.

4. As stated above, although a notice was served on the respondent/husband on 24.05.2019 itself through Court as well as privately, he has not chosen to appear before this Court and therefore, such an attitude of the respondent clearly shows that he has no objection in transferring the above said I.D.O.P.No.245 of 2018 to the file of the Principal Family Court, Chennai. Accordingly, I.D.O.P.No.245 of 2018 is withdrawn from the file of the Family Court, Nagarcoil, and consequently, transferred to the file of the Principal Family Court, Chennai. On such transfer, the Principal Family Court, Chennai, shall dispose of the same in the manner known to law as expeditiously as possible.

5. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.9735 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court, Nagarcoil.

2. The Family Court, Chennai.

+1cc to Mr.Bejjam Raja Advocate, S.R.No. 45225

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and
C.M.P.No.9735 of 2019

RSV(CO)
GN(08/07/2019)