

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.364 of 2019
and C.M.P. No.10328 of 2019

Bharathi ... Petitioner/ Respondent

-vs-

Saravanakumar ... Respondent/ Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in F.C.O.P. No.158 of 2018 pending on the file of the Family Court, Salem and transfer the same to the file of the Principal Family Court, Coimbatore.

For Petitioner : Mr.L.Mouli

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.158 of 2018 pending on the file of the Family Court, Salem to the file of the Principal Family Court, Coimbatore.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 13.11.2016 at Vinayaga Mission 1008 Lingam Shivalaya Temple, Ariyanur, as per the Hindu rites and customs. Learned counsel appearing for the petitioner would further submit that during February 2018, the respondent without informing the petitioner, left the petitioner at Coimbatore and went to his parents house at Salem. Thereafter, the respondent, has filed a petition in F.C.O.P. No.158 of 2018 seeking divorce before the Family Court, Salem by making false and frivolous allegations against the petitioner. According to the learned counsel appearing for the petitioner, as the petitioner has been residing at Coimbatore with her aged father, it is very difficult to travel from Coimbatore to Salem, which is more than 300 k.m. away from Coimbatore and

therefore, if the said F.C.O.P. No.158 of 2018 is transferred to the file of the Principal Family 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 25.05.2019 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.158 of 2018 pending on the file of the Family Court, Salem to the file of the Principal Family Court, Coimbatore. Accordingly, the Tr. C.M.P. is allowed and the F.C.O.P. No.158 of 2018 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Principal Family Court, Coimbatore.

5.The Principal Family Court, Coimbatore 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.10328 of 2019 is closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Judge,Family Court,
Salem.

2.The Judge, Principal Family Court,
Coimbatore.

+1cc to Mr. L.Mouli, Advocate SR.No. 48255

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A.SK(31/07/2019)