

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.377 of 2019
and C.M.P. No.10557 of 2019

G.P.Deepthi

... Petitioner

-VS-

P.Chandran

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.24 of 2019 on the file of the Sub Court, Harur and to transfer the same to the Family Court, Dharmapuri.

For Petitioner : Ms.A.Rajeswari Karthikeyan

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.24 of 2019 pending on the file of the Sub Court, Harur to the file of the Family Court, Dharmapuri.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 18.10.2012 at the respondent's house and after the marriage, they lived in the house of the respondent as a joint family along with the parents of the respondent and out of wedlock, a male child namely, Iniyan was born on 07.05.2014. According to the learned counsel appearing for the petitioner, the said minor child, aged 4½ years old, is suffering with blood cancer, but the respondent, who was a drunkard, has not taken care of the minor child and harassed the petitioner mentally and physically. This apart, the petitioner also suffered cruelty at the hands of the mother and relatives of the respondent. According to the learned counsel appearing for the petitioner, unable to tolerate the cruel acts of the respondent, the petitioner filed a petition seeking divorce in H.M.O.P. No.213 of 2018 before the Family Court, Dharmapuri and she also filed a Maintenance Petition in M.C. No.85 of 2018 before the said Court. As the petitioner has been staying at Virupatchipuram, Dharmapuri District, it is very difficult to undertake long

journey alone from Virupatchipuram to Harur to attend the Court proceedings and therefore, if the said H.M.O.P. No.24 of 2019 is transferred to the file of the Family Court, Dharmapuri, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 04.06.2019, but there is no representation on his behalf either by engaging counsel or by himself.

4.Taking note of the fact that the petitioner filed a petition seeking divorce in H.M.O.P. No.213 of 2018 before the Family Court, Dharmapuri and she also filed a Maintenance Petition in M.C. No.85 of 2018 before the said Court 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, this Court is inclined to transfer the H.M.O.P. No.24 of 2019 pending on the file of the Sub Court, Harur to the file of the Family Court, Dharmapuri. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.24 of 2019 pending on the file of the Sub Court, Harur is withdrawn and transferred to the file of the Family Court, Dharmapuri.

5.The Family Court, Dharmapuri 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.10557 of 2019 is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordiante Court, Harur.

2.The Family Court, Dharmapuri.

+1 cc to M/s.A.Rajeswari Karthikeyan, Advocate, Sr.No. 46399

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CSL/11.07.2019