

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.379 of 2019
and C.M.P. No.10587 of 2019

N.Kanaka Alias Kavitha

... Petitioner

-VS-

M.Sureshkumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.229 of 2019 on the file of Principal Sub-Court, Thanjavur to transfer the same to the Family Court at Coimbatore.

For Petitioner : Mr.S.S.Sethuraman

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.229 of 2019 pending on the file of the Principal Subordinate Court, Thanjavur to the file of the Family Court, Coimbatore.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 26.05.1999 at Oriental Towers Kalyana Mandapam, Thanjavur, as per the Hindu rites and customs and out of the wed lock they have a daughter aged about 19 years. While so, in order to harass the petitioner, the respondent has filed a petition in H.M.O.P. No.299 of 2019 seeking divorce before the Principal Subordinate Judge, Thanjavur by making false and frivolous allegations against the petitioner. According to the learned counsel appearing for the petitioner, as the petitioner is working in a Nationalised Bank at Coimbatore, it is very difficult to travel from Coimbatore to Thanjavur and therefore, if the said H.M.O.P. No.299 of 2019 is transferred to the file of the Family Court, Coimbatore, no prejudice will be caused to the respondent, since the respondent is also working at Coimbatore.

3.As per the records maintained by the registry, notice was served on the respondent on 04.06.2019 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 H.M.O.P. No.299 of 2019 pending on the file of the Principal Subordinate Court, Thanjavur to the file of the Family Court, Coimbatore. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.299 of 2019 pending on the file of the Principal Subordinate Court, Thanjavur is withdrawn and transferred to the file of the Family Court, Coimbatore.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.10587 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vga

To

1.The Principal Subordinate Judge,
Thanjavur.

2.The Presiding Judge,
The Family Court, Coimbatore.

+1cc to Mr.S.S.Sethuraman, Advocate SR.No.46856

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AD (CO)
GMY (22/07/2019)