

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.393 of 2019
and C.M.P. No.10730 of 2019

A.Subhashini

... Petitioner

-vs-

S.Mehalrajan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.161 of 2019 from the file of the Family Court, Trichy and transfer the same to Family Court, Chengalpattu.

For Petitioner : Mr.S.Anburaja

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.161 of 2019 pending on the file of the Family Court, Trichy to the file of the Family Court, Chengalpattu.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 29.08.2003, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that out of the wedlock, two male children namely, M.S.Kavin Muhil and M.S.Soorya were born on 26.03.2006 and 01.05.2011 and they are studying in Velammal School, Mambakkam and Mount Litera Zee School, Navalur respectively. Due to some matrimonial disputes between the petitioner and the respondent, the respondent filed the H.M.O.P. No.161 of 2019 before the Family Court, Trichy seeking for the relief of divorce with false and frivolous allegations against the petitioner. However, the petitioner filed O.S. No.155 of 2019 before the learned District Judge, Chengalpattu, seeking maintenance.

3.As per the records maintained by the registry, notice was served on the respondent on 25.05.2019 and private notice taken with the leave of the Court by the counsel for the petitioner was served on 06.05.2019, but none appeared on behalf of the respondent.

4.Taking note of the fact that the Maintenance Case in O.S. No.155 of 2019 seeking maintenance filed by the petitioner was pending before the District Judge, Chengalpattu 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.161 of 2019 pending before the Family Court, Trichy to the file of the Family Court, Chengalpattu. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P. No.161 of 2019 pending on the file of the Family Court, Trichy is withdrawn and transferred to the file of the Family Court, Chengalpattu.

5.The Family Court, Chengalpattu 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.10730 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Judge,
Family Court,
Trichy.

2.The Judge,
Family Court,
Chengalpattu.

+1cc to Mr.S.Anbu Raja, Advocate Sr.52628

Tr. C.M.P. No.393 of 2019
and C.M.P. No.10730 of 2019

pm[co]
srg 30/07/2019