

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.397 of 2019
and
C.M.P.No.10763 of 2019

P.Sindhuja

... Petitioner

Vs.

T.Selva Ganesh

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the pending case in H.M.O.P.No.48 of 2017 on the file of the Subordinate Court-cum-Family Court, Salem, and to transfer the same to the file of the Sub Court, Karur.

For Petitioner : Mr.R.Tholgappian

For Respondent : No Appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.48 of 2017, pending on the file of the learned Family Court, Salem, and to transfer the same to the file of the learned Sub Court, Karur. Although a notice through Court was served on the respondent/husband on 04.06.2019, he has not responded to the same.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.48 of 2017 was filed by the respondent/husband seeking for divorce.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 23.01.2015 as per the Hindu's Rites and Customs. After the marriage, the respondent/husband also filed a H.M.O.P.No.48 of 2017 on the file of the learned Family Court, Salem, seeking to declare the said marriage as null and void. Subsequently, in view of harassments and torture at the hands of the respondent's family, the petitioner/wife has filed a DVP No.14 of 2019 against her husband, mother-in-law and father-in-law, before the District Social Welfare Officer, Karur, which is

still pending. It is further stated that she is having 3 years old baby girl with her, besides, she will have to take care of her old age parents, hence, it is not feasible for her to travel from Karur to Salem, which is more than 200 kms. for each and every hearing. Therefore, she has prayed for the transfer of the above said HMOP filed by her husband to the file of the learned Sub Court, Karur.

4. As stated above, although a notice was served on the respondent/husband on 04.06.2019 itself through Court, 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 H.M.O.P.No.48 of 2017 to the file of the learned Sub-Court, Karur. Accordingly, H.M.O.P.No.48 of 2017 is withdrawn from the file of the learned Family Court, Salem, and consequently, transferred to the file of the learned Sub Court, Karur. On such transfer, the learned Subordinate Judge, Karur, is directed to 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.10763 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Subordinate Judge,
Family Court, Salem.

2.The Subordinate Judge,
Family Court, Karur.

+1 cc to Mr.R.Tholgappian, Advocate, S.R.No.49814

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and
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VBA (CO)
SSM(24/07/2019)