



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.420 of 2019 and  
C.M.P. No.11978 of 2019

G.Manimegalai

... Petitioner

-vs-

K.Vijayaragavan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in H.M.O.P. No.22 of 2019 pending on the file of the Additional Subordinate Court, Thanjavur and transfer the same to Sub Court, Poonamallee, Thiruvallur District.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the H.M.O.P. No.22 of 2019 pending on the file of the Additional Subordinate Court, Thanjavur to the file of the Sub Court, Poonamallee, Thiruvallur District.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 25.02.2007 at Kandhasaras Mahal, Medical College Road, Thanjavur as per Hindu rites and customs and out of wedlock, the petitioner gave birth to a female child on 05.01.2008. Thereafter, due to difference of opinion arose between themselves, the respondent filed a petition for divorce in H.M.O.P. No.22 of 2019 before the Additional Subordinate Court, Thanjavur. According to the learned counsel appearing for the petitioner, the petitioner is living with her aged parents at Chennai. As the distance between Chennai to Thanjavur is more than 400 k.ms and the petitioner has to attend the Court for every hearing alone, she finds it very difficult to undertake the long journey from Chennai to Thanjavur. Therefore, if the H.M.O.P. No.22 of 2019 is transferred to the file of the



Subordinate Court, Poonamallee, Thiruvallur District, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served to the respondent on 27.06.2019 and the private notice taken by the counsel for the petitioner with the leave of the Court has been served on 14.06.2019, but there is no representation on behalf of the respondent either by engaging counsel or by himself.

4.Taking note of the facts that 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.22 of 2019 pending on the file of the Additional Subordinate Court, Thanjavur to the file of the Sub Court, Poonamallee, Thiruvallur District. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.22 of 2019 pending on the file of the Additional Subordinate Court, Thanjavur is withdrawn and transferred to the file of the Sub Court, Poonamallee, Thiruvallur District.

5.The learned Sub Judge, Poonamallee, Thiruvallur District 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.11978 of 2019 is closed.

s/d-  
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

vga  
To  
1.The Additional Subordinate Judge  
Thanjavur.

2.The Subordinate Judge, Poonamallee,  
Thiruvallur District.

+1 CC to Mr.I.C.Vasudevan, Advocate sr 63240.  
Tr. C.M.P. No.420 of 2019 and  
C.M.P. No.11978 of 2019

PA(CO)  
SP(06/09/2019)