

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.422 of 2019 and
C.M.P. No.12040 of 2019

K.Gracy

... Petitioner

-vs-

Benin Smile

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in I.D.O.P. No.18 of 2019 pending on the file of the District Court of Nilgiris, Udhagamandalam and transfer the same to the Family Court at Chengalpattu.

For Petitioner : Mr.T.Easwaradhas

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 I.D.O.P. No.18 of 2019 pending on the file of the District Court, Nilgiris, Udhagamandalam 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 30.05.2018 at Christ King Faith Mission Church, No.335, Medavakkam Main Road, Keelkattalai, Chennai-117 as per Christian rites and ceremony. After the marriage, both the respondent and his parents were not interested in the child and the petitioner was forced to abort the child by taking country medicine like sesame seeds, papaya etc. and hence the first child was aborted. When the petitioner became pregnant during the month of December 2018, their intention was to abort the child and therefore, the petitioner was forced to desert the matrimonial home on 09.02.2019 and now she was blessed with a child few days ago. In the meanwhile, the respondent filed a divorce petition under Section 10(x) of Indian Divorce Act 2001 before the learned District Judge, Nilgiris, Udhagamandalam. As the petitioner is now blessed with the child only few days ago,

it is very difficult on her part to undertake long journey from Chennai to Nilgiris, which is far away from her residence.

3.As per the records maintained by the registry, notice was served to the respondent on 04.07.2019 and the private notice taken by the counsel for the petitioner with the leave of the Court has been served on 20.06.2019, 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 and the petitioner has given birth to a child few days ago, this Court is inclined to transfer the I.D.O.P. No.18 of 2019 pending on the file of the District Court, Nilgiris, Udhagamandalam to the file of the Family Court, Chengalpattu. Accordingly, the Tr. C.M.P. is allowed and the I.D.O.P. No.18 of 2019 pending on the file of the District Court, Nilgiris, Udhagamandalam is withdrawn and transferred to the file of the Family Court, Chengalpattu.

5.The Family Court, Chengalpattu 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.12040 of 2019 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vga
To

1.The District Court,
Nilgiris, Udhagamandalam.

2.The Presiding Officer,
Family Court, Chengalpattu.

+1cc to Mr.T.Easwaradhas, Advocate sr.61616

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cp(co)
nr 18/09/2019