

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.474 of 2019
and C.M.P. No.13290 of 2019

Samundeswari

... Petitioner

-vs-

Gopi

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to transfer the H.M.O.P. No.46 of 2019 pending on the file of the Sub Court, Dharmapuri to transfer to the Family Court, Krishnagiri.

For Petitioner : Mr.K.Thiruvengadam

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.46 of 2019 pending on the file of the Sub Court, Dharmapuri, Namakkal District to the file of the Family Court, Krishnagiri.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 12.02.2016 as per Hindu rights and customs and out of the wedlock, they were blessed with two minor children. According to the learned counsel appearing for the petitioner, due to difference of opinion arose between themselves, the respondent has filed a petition in H.M.O.P. No.46 of 2019 before the Sub Court, Dharmapuri seeking divorce by making false allegations against the petitioner. As the petitioner has been residing at Krishnagiri with her parents along with two minor children, she finds it difficult to undertake long journey from Krishnagiri to Dharmapuri, which is more than 50 k.ms away from her residence. Therefore, if the H.M.O.P. No.46 of 2019 is transferred to the file of the Family Court, Krishnagiri, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 23.07.2019 and private notice has also been taken with the leave of the Court, but none appeared on behalf of the respondent either through counsel or by himself.

4.Taking note of the facts that the petitioner has to travel long distance along with her children and the respondent is bound to appear before the Family Court, Krishnagiri for conducting the M.C. No.85 of 2019 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.46 of 2019 pending before the Sub Court, Dharmapuri to the file of the Family Court, Krishnagiri. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.46 of 2019 pending on the file of the Sub Court, Dharmapuri is withdrawn and transferred to the file of the Family Court, Krishnagiri.

5.The learned Family Judge, Krishnagiri 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.13290 of 2019 is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,
Subordinate Court,
Dharmapuri.

2.The Judge,
Family Court,
Krishnagiri.

+1 cc to Mr.K.Thiruvengadam, Advocate, S.R.No.67663

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EV(CO)
SSM(16/09/2019)