

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.460 of 2019
and C.M.P.No.13052 of 2019

S.Savithri

... Petitioner/Respondent

-vs-

S.Raghavan

... Respondent/Petitioner

Prayer:

Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.111 of 2018 pending on the file of the Sub Court, Dindigul and transfer the same to the VII Additional Family Court, Chennai and to be tried along with O.P. No.1517 of 2019 on the fiile of the VII Additional Family Court at Chennai.

For Petitioner : Mr.S.Anil Sandeep

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.111 of 2018 pending on the file of the Sub Court, Dindigul to the file of the VII Additional Family Court, Chennai to be tried along with O.P. No.1517 of 2019 pending on the file of the VII Additional Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the petitioner has filed a petition in O.P. No.1517 of 2019 on 01.04.2019 before the VII Additional Family Court at Chennai seeking dissolution of marriage. As it is very difficult to depend on her parents for her livelihood, she has also filed a petition for maintenance as against the respondent in M.C. No.198 of 2019 on 01.04.2019 before the V Additional Family Court, Chennai. Since she was residing at Chennai, she would not be able to travel long distance to Sub Court, Dindigul without any person accompanying her, as her aged parents cannot travel long distance. Therefore, if the H.M.O.P. No.111 of 2018 is transferred to the file of the VII Additional Family Court, Chennai, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 15.07.2019 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 fact that the petition in O.P. No.1517 of 2019 seeking for dissolution of marriage, filed by the petitioner was pending before the VII Additional Family Court, Chennai 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.111 of 2018 pending before the Sub Court, Dindigul to the file of the VII Additional Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.111 of 2018 pending on the file of the Sub Court, Dindigul is withdrawn and transferred to the file of the VII Additional Family Court, Chennai.

5.The learned VII Additional Family Judge, Chennai 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.13052 of 2019 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Sub Judge, Dindigul.
2. The VII Additional Judge,
Family Court, Chennai.

+2cc to Mr.S.Anil Sandeep, Advocate, S.R.No.65318

Tr.C.M.P.No.460 of 2019
and C.M.P.No.13052 of 2019

CA(CO)
CS/17/09/2019