

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.457 of 2019

L.Karthika

.. Petitioner/Respondent

vs.

M.Manoj Kumar

.. Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 24 (1) of C.P.C. seeking to withdraw and transfer G.W.O.P.No.889 of 2018 pending on the file of the Family Court Judge, Coimbatore, to the file of the Principal District Court at Thiruppur for proper effectual adjudication and determination under law.

For Petitioner : Mr.O.Selvam

For respondent : No appearance

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JUDGMENT

The present Transfer Civil Miscellaneous Petition has been filed by the petitioner wife, seeking to withdraw and transfer G.W.O.P.No.889 of 2018 pending on the file of the Family Court Judge, Coimbatore, to the file of the Principal District Judge, Thiruppur for proper and effective adjudication.

2. The case of the petitioner is that the marriage between her and the respondent was solemnized on 04.03.2015 as per Hindu rites and customs at Arulmigu Venkatesaperumal Temple, Mondipalayam, Avinashi Taluyk, Coimbatore District. Even on the very first night, midnight at 12.00 p.m., the respondent entered the bedroom with drunken mood. He has also shown his rude and indecent behaviour against her. However, the petitioner has managed to overcome the difficulty, hoping for the best that the things would improve in future and in the meanwhile, she has given birth to a female child who is 4 years old now. But, the respondent has been all the time teasing the petitioner that she is black in colour although he is very fair. The petitioner wife filed HMOP.No.360/2017 before the Sub-Court, Tiruppur seeking dissolution of marriage that took place between the parties on 04.03.2015. While so, the respondent husband filed GWOP.No.889/2018 before the Family Court, Coimbatore seeking to hand over the custody of the daughter Mirudhubhashini to him. As the petitioner is residing in Tirupur with her 4 years aged

daughter, she finds it difficult to undertake a long journey to attend the court hearing at Coimbatore. Hence, the present Transfer CMP has been filed.

3. When the matter was called today i.e. on 19.07.2019, the learned Counsel for the petitioner was present, but there was no representation on behalf of the respondent.

4. A perusal of the records would go to show that the Court notice was served on the respondent on 08.07.2019. But the respondent chose not to appear before this Court either himself or through a Counsel that shows that he has no objection for allowing the present Transfer CMP. Secondly, when the petitioner is having 4 years old daughter, this Court, taking into consideration the inconvenience going to be faced by both the petitioner and her four years old daughter, is inclined to allow the present Transfer CMP.

5. Accordingly, the present Transfer Civil Miscellaneous Petition stands allowed and the G.W.O.P.No.889 of 2018 pending on the file of the Family Court Judge, Coimbatore, is withdrawn and transferred to the file of the learned Principal District Judge, Thiruppur for expeditious disposal on merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
Family Court, Coimbatore.

2. The Principal District Judge,
Tiruppur.

+2ccs to Mr.O.Selvam, Advocate, S.R.No.61805

VBA (CO)

RRS (29/08/2019)

Tr.CMP.No.457 of 2019