

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.488 of 2019
and
C.M.P.No.13647 of 2019

R.Girijlakshmi @ R.Ramya

... Petitioner

Vs.

S.Prakash

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in HMOP. No.124 of 2018 pending on the file of the Principal Subordinate Court, Tiruppur and transfer the same to the file of the Subordinate Court, Gobichettipalayam.

For Petitioner : Mr.R.Babu

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in HMOP. No.124 of 2018 pending on the file of the Principal Subordinate Court, Tiruppur and transfer the same to the file of the Subordinate Court, Gobichettipalayam.

2. The case of the petitioner is that the Respondent and petitioner are the husband and wife. The marriage was solemnized between the parties on 12.09.2010 at Nadar Thirumana Mandapam, Kunnathur as per Hindu Rites and Custom. After the marriage, the petitioner was residing with the respondent in matrimonial home. Out of the wedlock, a male child viz., Dharun Vijayan was born on 31.10.2011. Due to the misunderstanding between the couples, they were living separately. Therefore, the respondent has filed a petition in HMOP. No.124 of 2018 before the Subordinate Court, Tiruppur for dissolution of marriage. The petitioner/wife is the resident of Erode. She finds it difficult to travel from Erode to Tiruppur to attend the Court proceedings. Therefore, she

seeks transfer of the divorce petition in HMOP. No.124 of 2018 on the file of the Subordinate Court, Tiruppur filed by the husband to the file of the Subordinate Court, Erode.

3. The learned counsel for the petitioner/wife would submit that the petitioner's parents are of the lower middle class. Hence, the petitioner and her child are staying in her uncle's house, who is none other than elder sister of the petitioner's mother at Erode. The petitioner has no income to meet her daily needs. She is depending upon her uncle and aunt for her livelihood and educational expenses of the child. Being a lady, the petitioner could not travel alone from Erode to Tiruppur for attending Court proceedings. Because of this, she is facing physical as well as financial issues. If the case is transferred to Gobichettipalayam, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband from Tiruppur to Gobichettipalayam.

4. This Court ordered notice on 02.07.2019 and 25.09.2019 and the same was served on the respondent. Till date, the respondent has not filed any vakalat on behalf of him for conducting the case. In spite of giving sufficient opportunities, he has not appeared in person or through his counsel. Hence, this Court is inclined to dispose of the matter on merits in accordance with law.

5. Heard the learned counsel for the petitioner and perused the materials on record. None appears on behalf of the respondent.

6. In view of the above submission made by the petitioner and considering the facts that this Court is inclined to transfer the case from Tiruppur to Gobichettipalayam. Accordingly, HMOP. No.124 of 2018 pending on the file of Subordinate Court, Tiruppur is to be withdrawn and transferred to the file of the Subordinate Court, Gobichettipalayam.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

- 1.The Subordinate Judge Tiruppur.
2. The Subordinate Judge Gobichettipalayam.

+1 cc to Mr.B.Vidaya kumar Advocate sr90502

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