



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.462 of 2019
and C.M.P. No.13100 of 2019

M.Priyadharshini

... Petitioner

-vs-

N.Thirumurugan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.113 of 2018 pending trial before the Sub Court, Chithambaram and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.K.Pattu @ Parameswaran

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.113 of 2018 pending on the file of the Sub Court, Chithambaram to the file of the Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the respondent has filed a petition in H.M.O.P. No.113 of 2018 before the Sub Court, Chitamparam seeking dissolution of marriage. As it is very difficult to depend on her parents for her livelihood, the petitioner has filed a petition for maintenance as against the respondent in M.C. No.71 of 2019 before the Family Court, Chennai. Since she was residing at Chennai, she would not be able to travel long distance to Sub Court, Chithambaram along with her daughter namely T.P.Girishree, aged about 7 years. Therefore, if the H.M.O.P. No.113 of 2018 is transferred to the file of the 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 16.07.2019 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 petitioner has to travel long distance along with her child 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.113 of 2018 pending before the Sub Court, Chithambaram to the file of the Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.113 of 2018 pending on the file of the Sub Court, Chithambaram is withdrawn and transferred to the file of the Family Court, Chennai.

5. The learned Family Judge, Chennai 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.13100 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Sub Judge, Chithambaram.

2. The Judge,
Family Court, Chennai.

+1cc to Mr.K.Pattu @ Parameswaran, Advocate sr.64916

Tr. C.M.P. No.462 of 2019
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nr 24/09/2019