

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.454 of 2019 and
C.M.P. No.12931 of 2019

N.Revathi

... Petitioner

-vs-

N.Nandakumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.482 of 2019 on the file of the Additional Family Court, Coimbatore and transfer the same to the file of the Family Court, Salem to be heard along with H.M.O.P. No.90 of 2018.

For Petitioner : Ms.Zeenath Begum

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the H.M.O.P. No.482 of 2019 pending on the file of the Additional Family Court, Coimbatore to the file of the Family Court, Salem to be heard along with H.M.O.P. No.90 of 2018.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 01.06.2012 at Coimbatore as per Hindu rites and customs and out of the wedlock, a male child, who is now aged 6 years, was born to them. Due to difference of opinion arose between themselves, the petitioner left the matrimonial home and filed a petition in H.M.O.P. No.90 of 2018 before the Family Court, Salem seeking divorce. After receiving notice in the above H.M.O.P., in order to further harass the petitioner, the respondent filed a petition in H.M.O.P. No.482 of 2019 before

the Additional Family Court, Coimbatore by making a false and frivolous allegations against the petitioner. According to the learned counsel appearing for the petitioner, the petitioner is living with her aged parents along with her child at Udayapatty. As the distance between Salem and Coimbatore is more than 190 k.ms, she finds it very difficult to undertake the long journey for every hearing before the Additional Family Court, Coimbatore along with the child. Therefore, if the H.M.O.P. No.482 of 2019 is transferred to the file of the Family Court, Salem, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served to the respondent on 12.07.2019, but there is no representation on behalf of the respondent either by engaging counsel or by himself.

4.Taking note of the facts that 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 and the petition in H.M.O.P. No.90 of 2018 filed by the petitioner to be disposed of along with the H.M.O.P. No.482 of 2019, this Court is inclined to transfer the H.M.O.P. No.482 of 2019 pending on the file of the Additional Family Court, Coimbatore to the file of the Family Court, Salem. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.482 of 2019 pending on the file of the Additional Family Court, Coimbatore is withdrawn and transferred to the file of the Family Court, Salem.

5.The Family Court, Salem 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.12931 of 2019 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VIII)
//True Copy//

Sub Assistant Registrar

vga

To

1.The Additional Family Court,
Coimbatore.

2.The Family Court,
Salem.

+1cc to Ms.Zeenath Begum Advocate, S.R.No.64287

CA(CO)
CB(04/09/2019)

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