

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.502 of 2019
and C.M.P. No.13980 of 2019

G.A.Umadevi

... Petitioner

-vs-

M.Selvam

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to transfer the H.M.O.P. No.72 of 2018 which is pending on the file of the Subordinate Judge, Rasipuram, Namakkal District and transfer the same to the Family Court, Erode.

For Petitioner : Mr.G.Pavendhan

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.72 of 2018 pending on the file of the Sub Court, Rasipuram, Namakkal District to the file of the Family Court, Erode.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 29.08.2014 as per Hindu rights and customs and out of the wedlock, they were blessed with one female child by name S.U.Umaiyaal, aged about 5 years. According to the learned counsel appearing for the petitioner, due to difference of opinion arose between themselves, the respondent has filed a petition in H.M.O.P. No.72 of 2018 before the Sub Court, Rasipuram, Namakkal District seeking divorce under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act by making false allegations against the petitioner. As the petitioner has been residing at Erode with her parents along with her child, she finds it difficult to undertake long journey from Erode to Namakkal,

which is about 120 k.ms away from her residence. Therefore, if the H.M.O.P. No.72 of 2018 is transferred to the file of the Family Court, Erode, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 24.07.2019 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 facts 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.72 of 2018 pending before the Sub Court, Rasipuram, Namakkal District to the file of the Family Court, Erode. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.72 of 2018 pending on the file of the Sub Court, Rasipuram, Namakkal District is withdrawn and transferred to the file of the Family Court, Erode.

5.The learned Family Judge, Erode 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.13980 of 2019 is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Sub Court,
Rasipuram,
Namakkal District.

2.The Judge,Family Court, Erode.

Tr. C.M.P. No.502 of 2019
and C.M.P. No.13980 of 2019

A.SK(26/09/2019)