



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

C O R A M

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.672 of 2018

and

C.M.P.Nos.16627 and 16628 of 2018

P.Vinitha

... Petitioner

Vs.

D.Senthil

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the HMOP. No.52 of 2018 pending on the file of the Sub Court, Hosur and transfer the same to the file of the Sub Court, Tirupathur.

For Petitioner : M/s.M.Malar

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in HMOP. No.52 of 2018 pending on the file of the Sub Court, Hosur and transfer the same to the file of the Sub Court, Tirupathur.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between the petitioner and the respondent on 05.02.2016 at Kamatchi Mani Thirumana Mandabam. Out the wedlock, a female child was born viz., Lithika on 24.05.2017. The respondent is own maternal uncle's son had he has studied a Diploma Course. However, the petitioner is completed an M.Sc. And B.Ed., Degree. Due to which, the respondent was suffering with inferiority complex and he did not co-operate with the petitioner to lead a happy life. The petitioner went to her mother's home for the purpose of delivery. After birth of a girl child, the respondent never visited the child and deserted the petitioner and his child. Later, the respondent has filed a petition in HMOP. No.52 of 2018 before the Sub Court, Hosur for dissolution of marriage. The petitioner/wife is the resident of Thirupathur Taluk. She finds it difficult to travel from Thirupathur to Hosur to attend the Court proceedings. Therefore, she seeks transfer of the divorce petition filed by the husband.



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3. This Court ordered notice to the respondent several times through Court as well as privately and the same was refused by the respondent. In order to give sufficient opportunities, he has not appeared either person or through his counsel. Hence, this Court is inclined to dispose of the matter on merits in accordance with law.

4. The learned counsel for the petitioner/wife would submit that the petitioner is now residing at her parental house along with her child, aged about two years. Except the petitioner's aged parents, she has no one in her family to accommodate her to attend the Court each and every hearing and the petitioner has no relation at Hosur. Hence, it is very difficult for the petitioner to travel from Thirupathur to Hosur along with the infant. Therefore, it will be appropriate to transfer the case filed by the husband from Hosur to Thirupathur.

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

6. Considering the above facts and convenience of the petitioner, this Court is inclined to transfer the case from Hosur to Thirupathur. Accordingly, HMOP. No.52 of 2018 pending on the file of Sub Court, Hosur is withdrawn and transferred to the file of the Sub Court, Thirupathur.

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

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rli

To

1.The Sub court, Hosur.

2.The Sub Court, Thirupathur, Vellore District.

+1cc to M/s.M.Malar, Advocate SR.No.

TR C.M.P. No.672 of 2018

and

C.M.P.Nos.16627 and 16628 of 2018

SS(CO)

GMV(04/12/2019)

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