

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.497 of 2019 and
CMP.No.13924 of 2019

C.Pavithra @ Pavithrasri .. Petitioner

vs.

S.Ilansezhiyan .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the F.C.O.P.No.33/2019 from the file of the Family Court, Chengalpattu and transfer the same to the file of the Sub-Court at Kallakurichi to be tried along with H.M.O.P.No.67/2019 on the file of the Subordinate Judge, Kallakurichi.

For Petitioner : Mr.R.Bharath Kumar

For respondent : No appearance

JUDGMENT

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the F.C.O.P.No.33/2019 from the file of the Judge, Family Court, Chengalpattu and transfer the same to the file of the Subordinate Judge at Kallakurichi to be tried along with H.M.O.P.No.67/2019 on the file of the Subordinate Judge, Kallakurichi.

2. Learned Counsel for the Petitioner is present.

3. A perusal of the records reveals that notice was served on the respondent through Court on 20.07.2019 and even private notice given to the petitioner also was served on 17.07.2019. In spite of the abovesaid notices served on the respondent, he has not come to this Court. It shows that he has no objection for allowing the present Transfer Civil Miscellaneous Petition. Secondly, the petitioner has rightly asked for transfer of the F.C.O.P.No.33/2019 from the file of the Judge, Family Court, Chengalpattu filed by the respondent husband to the file of the Subordinate Judge, Sub-Court at Kallakurichi to be tried along

with H.M.O.P.No.67/2019 on the file of the Subordinate Judge, Kallakurichi seeking restitution of conjugal rights. Thirdly, the petitioner is also having a son aged about 13 years, who is pursuing his studies in Attur. Therefore, leaving the child or taking the child is not advisable to attend the court hearings at Chengalpattu. Fourthly, the distance between Kallakurichi and Chengalpattu is about 180 kms. Therefore, this Court, accepting all the reasons mentioned above, allows the present Transfer Civil Miscellaneous Petition.

4. Accordingly, the F.C.O.P.No.33/2019 pending on the file of the Judge, Family Court, Chengalpattu is transferred to the file of the Subordinate Judge, Sub-Court at Kallakurichi to be tried along with H.M.O.P.No.67/2019 pending on his file. The learned Subordinate Judge, Kallakurichi is directed to give a fast disposal on both the matters. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge, Family Court, Chengalpattu
2. The Subordinate Judge, Kallakurichi.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.71366

Tr.CMP.No.497 of 2019

SPD(CO)
CS/11/10/2019