

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.492 of 2019
and C.M.P. No.13708 of 2019

D.Sangareeswari

... Petitioner

-vs-

M.Kannan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to transfer the H.M.O.P. No.35 of 2019 from the file of the Subordinate Judge, Pattukkottai and transfer the same to the Court of the Family Judge at Dharmapuri.

For Petitioner : Mr.Arun A.

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.35 of 2019 pending on the file of the Sub Court, Pattukkottai to the file of the Family Court, Dharmapuri.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 22.01.1997 as per Hindu rights and customs and out of the wedlock, they were blessed with one male child by name Hariprasanna, born on 23.11.1998 and one female child by name Mridhushana, born on 17.11.2001. According to the learned counsel appearing for the petitioner, due to difference of opinion arose between themselves, the respondent deserted the petitioner and his children. While so, the respondent has filed a petition in H.M.O.P. No.35 of 2019 before the Sub Court, Pattukkottai seeking restitution of conjugal rights. As the petitioner has been living only in Dharmapuri for the past two decades and working as a Teacher in the Government Girls Higher Secondary School, Periyampatti, Dharmapuri along with her children, she finds it difficult to undertake long journey from Dharmapuri to Pattukkottai, which is about 300 k.ms away from her residence. Therefore, if the H.M.O.P. No.35 of 2019 is transferred to the file of the Family Court, Dharmapuri, no

prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 22.07.2019 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 children 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.35 of 2019 pending before the Sub Court, Pattukkottai to the file of the Family Court, Dharmapuri. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.35 of 2019 pending on the file of the Sub Court, Pattukkottai is withdrawn and transferred to the file of the Family Court, Dharmapuri.

5.The learned Family Judge, Dharmapuri 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.13708 of 2019 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Sub Judge,
Sub Court,
Pattukkottai.

2.The Judge,
Family Court,
Dharmapuri.

+1cc to M/s.Arun Anbumani, Advocate sr.65778

Tr. C.M.P. No.492 of 2019
and C.M.P. No.13708 of 2019

ppa(co)
nr 24/09/2019