

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.555 of 2019
and CMP No.15615 of 2019

Gomathi

... Petitioner

-vs-

G.Gnanasekaran

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP No.134 of 2015 pending on the file of Sub Court, Tiruchengode, Namakkal District and transfer the same to Family Court, Erode District.

For Petitioner : Mr.T.Ganesan

For Respondent : No appearance

O R D E R

Mrs.Gomathi, W/o Gnanasekaran has filed this petition seeking to withdraw HMOP No.134 of 2015 pending on the file of Sub Court, Tiruchengode, Namakkal District and transfer the same to Family Court, Erode District.

2. The learned counsel for the petitioner submitted that the respondent/husband filed a petition in HMOP No.134/2015 before Subordinate Court, Tiruchengode, Namakkal District. The learned counsel also submitted that the petitioner is having 4 years old child and it is very difficult for the petitioner to undertake long journey of 25 kms along with the child for every hearing and if the matter is transferred to Family Court, Erode, no prejudice would be caused to the respondent/husband.

3. After issuance of notice, Registry record shows that notice was served on the respondent on 19.08.2019, but he has not chosen to appear, which shows that the respondent has no objection for allowing the petition. Moreover, the petitioner

is having 4 years old child and it will be difficult for her to take the child to Tiruchengode for every hearing. Considering the fact that balance of convenience is in favour of the petitioner, this court is inclined to accede to the request of the transfer. Hence, the Transfer CMP is allowed.

4. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P.No.134 of 2015 pending on the file of Subordinate Court, Tiruchengode, Namakkal District is withdrawn and transferred to Family Court, Erode.

5. The learned Sub Judge, Tiruchengode, Namakkal District is directed to send the entire records relating to HMOP No.134 of 2015 to the Family Court, Erode forthwith and the learned Judge, Family Court, Erode is directed to take up HMOP.134 of 2015 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Subordinate Court, Tiruchengode, Namakkal District
2. The Judge Family Court, Erode District

+lcc to Mr.T.Ganesan, Advocate, S.R.No.75730

Tr.C.M.P.No.555 of 2019

SPD(CO)
CS/11/10/2019