

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.539 of 2019
and C.M.P. No.15039 of 2019

Ponselvi ... Petitioner/ Respondent/ Wife

-vs-

Balaganesh ...Respondent/ Petitioner/ Husband

Prayer: Petition filed under Section 24 of C.P.C to transfer the H.M.O.P. No.287 of 2018 on the file of the Sub Judge at Ponneri to Family Court at Trichy.

For Petitioner : Mr.B.Mohan

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.287 of 2018 pending on the file of the learned Sub Judge, Ponneri to the file of the Family Court, Trichy.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solmenised on 03.09.2017 as per Hindu rights and customs. According to the learned counsel appearing for the petitioner, due to difference of opinion arose between themselves, the respondent filed a petition in H.M.O.P. No.287 of 2018 before the learned Sub Judge, Ponneri seeking dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955 making false allegations against the petitioner. As the petitioner has been living with her parents, she finds it difficult to undertake long journey from Tiruchirapalli to Ponneri alone for every hearing. Therefore, if the H.M.O.P. No.287 of 2018 is transferred to the file of the Family Court, Trichy, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 07.08.2019 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 fact that the petitioner, being a lady, finds it difficult to undertake long journey from Tiruchirapalli to Ponneri alone 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.287 of 2018 pending before the learned Sub Judge, Ponneri to the file of the Family Court, Trichy. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P. No.287 of 2018 pending on the file of the learned Sub Judge, Ponneri is withdrawn and transferred to the file of the Family Court, Trichy.

5.The learned Judge, Family Court, Trichy is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.15039 of 2019 is closed.

vga

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge, Ponneri.

2.The Judge, Family Court, Trichy.

+1cc to Mr.B.Mohan, Advocate, SR.No.74363

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Kak(09/10/2019)