

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.561 of 2019
and C.M.P. No.15851 of 2019

M.Indira

... Petitioner

-vs-

T.Dinesh

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to transfer the H.M.O.P. No.67 of 2018 on the file of Family Court, Tiruchirapalli and transfer the same to the file of Family Court, Erode to be heard along with F.C.O.P. No.229 of 2019 pending on its file.

For Petitioner : Mr.Kaithamalai Kumaran S.

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.67 of 2018 pending on the file of the Family Court, Tiruchirapalli to the file of the Family Court, Erode to be heard along with F.C.O.P. No.229 of 2019.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 01.09.2013 as per Hindu rights and customs. According to the learned counsel appearing for the petitioner, due to difference of opinion arose between themselves, the petitioner filed a petition in F.C.O.P. No.229 of 2019 before the Family Court, Erode seeking dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955 and she has also filed a maintenance case in M.C. No.4 of 2018 before the said Court seeking maintenance. In order to further harass the petitioner, the respondent has filed a petition in H.M.O.P. No.67 of 2018 before the Family Court, Tiruchirapalli seeking restitution of conjugal rights. As the petitioner has been living with her parents, she finds it difficult to undertake long journey from Erode to Tiruchirapalli alone. Therefore, if the H.M.O.P. No.67 of 2018 is transferred to the file of the

Family Court, Erode, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 17.08.2019 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 Erode to Tiruchirapalli 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 and in any event, the respondent has to attend the hearings in F.C.O.P. No.229 of 2019 and M.C. No.4 of 2018 before the Family Court, Erode, this Court is inclined to transfer the H.M.O.P. No.67 of 2018 pending before the Family Court, Tiruchirapalli to the file of the Family Court, Erode. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P. No.67 of 2018 pending on the file of the Family Court, Tiruchirapalli is withdrawn and transferred to the file of the Family Court, Erode to be heard along with F.C.O.P. No.229 of 2019.

5.The learned Judge, Family Court, Erode 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.15851 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga
To

1.The Judge Family Court, Tiruchirapalli.

2.The Judge Family Court, Erode.

+1cc to Mr.Kaithamalai Kumaran S., Advocate SR.73782

Tr. C.M.P. No.561 of 2019
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SPD(CO)
CB(17/10/2019)