

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.573 of 2019
and C.M.P.No.16301 of 2019

B.Akshya		... Petitioner
	Vs.	
C.Nirmalraj		... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the FCHMOP No.57 of 2019 on the file of the Family Court, Dharmapuri and transfer the same to Family Court, Salem and try along with HMOP. No.249 of 2019 or any other Court, Salem.

For Petitioner : Mr. Nalliappan

For Respondent : Notice served - No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed by the Wife in a Matrimonial proceedings, seeking to withdraw FCHMOP No.57 of 2019, from the file of the Family Court, Dharmapuri and transfer the same to Family Court, Salem and to be tried along with HMOP. No.249 of 2019.

2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 02.03.2017 as per Hindu rites and customs and the same was registered on 07.07.2017. After marriage, the couple was living happily for 20 days only. Subsequently, the respondent harassed the petitioner and later he used to scold the petitioner without any reason. Thereafter, the respondent forced the petitioner to get money from her parents to shift the house to a luxury apartment. The parents of the petitioner has also satisfied the demand of the respondent for the welfare of the petitioner. Further, whenever the respondent went out from of the house, he used to lock the petitioner inside the house. The respondent has deserted the petitioner and changed his mobile number. The parents of the petitioner and elders asked the respondent to allow the petitioner to the matrimonial home, however, he refused to live with her. Under these circumstances, the petitioner has filed a petition under Section 13(i)(ia) of the Hindu Marriage Act in HMOP. No.249 of 2019, on the file of the Family Court, Salem for divorce and the respondent has filed a petition in FCHMOP No.57 of 2019 before the Family Court, Dharmapuri for divorce.

3. The learned counsel counsel for the petitioner would submit that now the petitioner is residing along with her aged parents at Salem. The respondent has filed a divorce petition before the Family Court, Dharmapuri. For each and every hearing, the petitioner has to travel with her parents for more than 50 Kilometers. It causes great difficulty to the petitioner and her parents. Hence, the learned counsel prays to transfer the case in FCHMOP No.57 of 2019 filed by the husband, from Family Court, Dharmapuri to the to the Family Court, Salem, to be tried along with HMOP. No.249 of 2019.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and the same was received by him, neither the respondent, nor his counsel appeared before this Court. Despite giving sufficient opportunities, the respondent has not come forward to defend his case. Therefore, this Court is inclined to dispose of the case on merits, after going through the records.

5. Considering the convenience of the petitioner/wife and in order to avoid any conflict of decisions, this Court directs withdrawal of FCHMOP. No.57 of 2019, from the file of the Family Court, Dharmapuri and transfer the same to the Family Court, Salem and to be tied along with HMOP. No.249 of 2019.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. FCHMOP. No.57 of 2019 pending on the file of Family Court, Dharmapuri is directed to be withdrawn and transferred to the file of the Family Court, Salem, to be tried along with HMOP. No.249 of 2019. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judge, Family Court, Dharmapuri.
2. The Judge, Family Court, Salem.

+1 cc to M/s.R.Nalliyappan, Advocate Sr.No.78778

AKM/13.11.19/2P-4C /

TR.C.M.P.No.573 of 2019
and C.M.P.No.16301 of 2019