

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.574 of 2019

and

C.M.P.No.16415 of 2019

Mrs.T.Mathi

... Petitioner

Vs.

Mr.H.Swaminathan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.139 of 2018 pending on the file of the Principal Sub Ordinate Judge, Mayiladuthurai and transfer the same to the Principal Family Judge, Coimbatore.

For Petitioner : Mr.K.Gangadaran

For Respondent : Served

No Appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of H.M.O.P.No.139 of 2018 pending on the file of the Principal Sub Ordinate Judge, Mayiladuthurai, to the file of the Principal Family Judge, Coimbatore.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 13.06.2004 at Rani Mahal Thirumana Mandapam, Mayiladuthurai, as per Hindu Rites and Customs, and out of the wedlock, a girl child was born on 22.09.2005. Initially the petitioner and the respondent were lived happily, and thereafter, the respondent and his parents started harassing the petitioner demanding dowry and therefore, a dispute was arose between the petitioner and the respondent. As a result, the petitioner was thrown out from the matrimonial home and now she is residing in her parents' home at Coimbatore.

3. It is further stated in the affidavit that the petitioner is willing to live with the respondent and therefore, she filed an application in H.M.O.P.No.72 of 2018 before the II Additional Subordinate Judge, Coimbatore, seeking restitution of conjugal rights, whereas the respondent filed an application in H.M.O.P.No.139 of 2018 before the Principal Subordinate Judge, Mayiladuthurai, seeking divorce. It is also stated that the petitioner is residing along with her 13 years old female child

and her aged parents and further she could not spend money for traveling to Mayiladuthurai to attend the hearings in H.M.O.P.No.139 of 2018 and therefore, she seeks transfer of the same from the file of the Principal Subordinate Judge, Mayiladuthurai, to the file of the Principal Family Judge, Coimbatore.

4. When the matter was listed for admission on 31.07.2019, there was no representation for the respondent and therefore, a notice through Court as well as privately was ordered by this Court. As per the direction, though notice has been served through Court on 21.08.2019 and privately on 28.08.2019, there was no representation for the respondent when the matter was listed on 04.09.2019 and therefore, the matter was directed to be posted on 12.09.2019. Accordingly, when the matter was listed on 12.09.2019, again there was no representation for the respondent and therefore, again the matter was directed to be posted on 16.09.2019. Even today, i.e. on 17.09.2019, when the matter is called, there is no representation for the respondent. Hence, this Court is inclined to transfer the H.M.O.P.No.139 of 2018 from the file of the Principal Sub Ordinate Judge, Mayiladuthurai, to the file of the Principal Family Judge, Coimbatore, as per the convenience of the petitioner/wife.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.139 of 2018 pending on the file of the Principal Judge, Family Court, Coimbatore, is withdrawn and transferred to the file of the Principal Family Judge, Coimbatore. No Costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

raja

To

1. The Principal Subordinate Judge,
Mayiladuthurai.

2. The Principal Family Judge,
Coimbatore.

+1 CC to Mr.K.Gangadaran, advocate sr 80588

TR.C.M.P.No.574 of 2019
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VBA(CO)
SP(08/11/2019)