

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr. CMP No.585 of 2019
and
CMP No.16831 of 2019

E. Shanthi

... Petitioner

.Vs.

E. Ramesh

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw and transfer the FCOP. No. 173 of 2019 pending on the file of the Family Court, Chengalpattu to the file of Family Court, Chennai.

For Petitioner : Ms. D. Latha
For Respondent : Notice served. No appearance.

ORDER

The petitioner-wife has prayed before this Court to withdraw and transfer the FCOP. No. 173 of 2019 pending on the file of the Family Court, Chengalpattu to the file of the Family Court, Chennai.

2. The case of the petitioner is that she got married to the respondent on 30.04.2009 at Gingee, Villupuram District and settled in Anna Nagar, Chennai. Out of the wedlock, a female child, namely, Lakshana was born, who is 6 years old now, and now she is pregnant for six months. The petitioner submits that with the help of the petitioner's family, the respondent/husband started a business and spent the income derived out of the business for his luxury and never take care of the family and always quarrelled with her in front of the child. The petitioner further submits that the respondent was living with her till 05.05.2019 and left home on 05.05.2019. Subsequently, the respondent filed an O.P. No.173 of 2019 on the file of Family Court, Chengalpattu, to pass a decree of divorce dissolving the marriage on the ground of cruelty. The petitioner further submits that she finds it difficult to go over to Chengalpattu every time as she is unemployed and depending on her mother for her every need and also she is in the advance stage of pregnancy. Hence, she prays to withdraw and

transfer the FCOP. No. 173 of 2019 pending on the file of the Family Court, Chengalpattu to the file of anyone of the Family Court, Chennai.

3. Notice was served on the respondent through Court and privately and the same was received by the respondent on 06.09.2019 and 24.08.2019 respectively. The registry was directed to verify whether any vakalat has been filed on behalf of the respondent and it is found that no vakalat has been filed on behalf of the respondent.

4. Hence, this Court is of the view that in spite of receipt of the notice, the respondent has not chosen to defend the same by engaging an advocate or by appearing in person. Hence, this Court is inclined to withdraw and transfer FCOP. No. 173 of 2019 pending on the file of the Family Court, Chengalpattu to the file of anyone of the the Family Court at Chennai as prayed for by the petitioner. It is also represented that since the petitioner is in the advance stage of pregnancy, the matter will be listed during February 2020 by the Family Court at Chennai. Accordingly, FCOP. No. 173 of 2019 pending on the file of the Family Court, Chengalpattu, is transferred to any one of the Family Court at Chennai, with a direction to list the same during February 2020.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Judge, Family Court, Chengalpattu
2. The Judge, Family Court, Chennai.

Tr. CMP No.585 of 2019

MP(CO)

SP(04/12/2019)