



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.598 of 2019

and

C.M.P.No.17230 of 2019

D.Saraswathi

... Petitioner/Respondent

Vs.

S.Manivannan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No.215 of 2018 from the District Family Court, Cuddalore to the Family Court, Chennai.

For Petitioner : Mr.A.Laxmi Raj Rathnam

For Respondent : Served

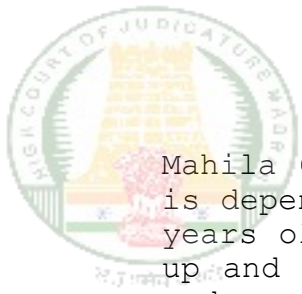
No Appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of H.M.O.P.No.215 of 2018 from the file of the District Family Court, Cuddalore to the file of the Family Court, Chennai.

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 30.08.2009 at Pakshi R.Gopalan Chettiyar Thirumana Mandapam, Koothapakkam - 607002 as per the Hindu Rites and Customs. Out of the wedlock, a female child was born on 09.07.2014 who is now under the custody of the petitioner. The respondent as a father has never taken care of the child, and all the expenses of the child are met only by the petitioner. The respondent sent a legal notice with false averments to the petitioner on 13.06.2018 and the same was duly replied by the petitioner on 30.06.2018. Subsequently, the respondent filed a petition under Section 9 of the Hindu Marriage Act before the District Family Court, Cuddalore in H.M.O.P.No.215 of 2018.

3. It is further stated in the affidavit that before the marriage, the respondent had said to the petitioner that he studied B.Com and he was employed in Cuddalore Municipal Office. But after the marriage only, the petitioner came to know that it is false. Hence, she filed a domestic violence complaint to the Protection Officer. The Protection Officer after the enquiry has registered a case on the respondent in D.V.C.No.73 of 2019, which is pending before the Additional



Mahila Court at Egmore. It is also stated that the petitioner is depending upon the income of her parents and she has also 5 years old child. Hence, it is very difficult for her to travel up and down to attend the hearings in H.M.O.P.No.215 of 2018, and seeks transfer of the HMOP from the file of the District Family Court, Cuddalore to the file of the Family Court, Chennai.

4. On perusal of the records, It is seen the records that even though the Court notice has been served on 29.08.2019 and the Private Notice has been delivered on 19.08.2019, there was no representation for the respondent when the matter was taken up for hearing on 20.09.2019. Hence, the Registry was directed to verify any vakalat has been filed on behalf of the respondent and post the matter on 04.10.2019. Thereafter, when the matter is taken up today i.e. on 30.10.2019, again there is no representation for the respondent. Hence, in view of the absence of the respondent, this Court is inclined to transfer the HMOP from the file of the District Family Court, Cuddalore to the file of the Family Court, Chennai as per convenience of the petitioner/wife.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.215 of 2018 pending on the file of the District Family Court, Cuddalore is to be withdrawn and transferred to the file of the Family Court, Chennai within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raja

To

1. The Presiding Officer,
Family Court, Chennai.
2. The Presiding Officer,
District Family Court, Cuddalore.

+2cc to Mr.A.L.Laxmi Raj Rathnam, Advocate, S.R.No.90026

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