

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.11.2019

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.595 of 2019

and

C.M.P.No.17211 of 2019

A.Krishnaveni

..Petitioner

Vs.

T.Prabhu

...Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the F.C.O.P.No.27 of 2019 on the file of Family Court at Erode and transfer the same to the Hon'ble Principal Sub Court at Pudukottai.

For Petitioner : Mr.Venkataramana V.S.

For Respondent : Mr.V.Regunathan

ORDER

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This petition has been filed by the petitioner seeking to withdraw the F.C.O.P.No.27 of 2019, pending on the file of Family Court

at Erode and transfer the same to the Principal Sub Court at Pudukottai.

2. The case of the petitioner is that the respondent and the petitioner are the husband and wife and the marriage between the parties was solemnized on 19.01.2018 at Sri Sangameswarar Temple, Bhavani, as per Hindu Rites and Customs. After the said marriage, the respondent and his family members were always finding fault with the petitioner. Further, the respondent's family called the petitioner's parents and made a baseless allegation against the petitioner. During September 2018, the respondent beaten the petitioner and therefore, the petitioner called the Sithode Police immediately and she was rescued by the Sithode Police and admitted for treatment in the Erode Government Hospital. Fearing for her life and limb, the petitioner left the matrimonial home. Several Attempts were made by the petitioner through Panchayatars for reunion with the respondent but everything was kept in vain. While so, the petitioner received a summon from the Family Court at Erode in F.C.O.P.No.27 of 2019 seeking for relief of divorce on the ground of cruelty by leveling false allegations against her.

The petitioner entered an appearance before the said Court to attend the case. The petitioner states that she is totally depending on their aged parents for her livelihood and she has no separate income, so also, as their parents are aged ones, not able to accompany her to attend the Court proceedings. Therefore, she finds it very difficult to travel from Pudukottai to Erode to attend every date of hearing. Hence, she seeks transfer of the petition in FCOP. No.27 of 2019 pending on the file of the Family Court, Erode to the file of the Sub Court, Poonamallee.

3. The learned counsel for the petitioner would submit that the distance between the petitioner's residence to Erode is 208 kilometers and nearly it will take seven hours to reach the Erode Family Court and their parents are of old age who cannot accompany the petitioner to attend every hearing and hence, she seeks transfer of F.C.O.P No.27 of 2019 before the Sub Court at Pudukottai. If the case is transferred to Pudukottai, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer of the case filed by the respondent from Erode to Pudukottai.

4. Notice was served on the respondent and Mr.V.Regunathan, learned counsel entered appearance on behalf of the respondent. This Court on 26.09.2019 had directed the parties to attend mediation before the Family Court at Trichy on 18.10.2019. Though both the parties appeared, there is no chance of re-union and the Court below had remanded the matter back to this Court. Today when the matter is taken up for hearing, there is no appearance on behalf of the respondent Counsel.

5. In view of the above stated facts and circumstances of the case and also as per the decision of Hon'ble Supreme Court in **2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta]** and **AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another]**, this Court is inclined to consider the petition filed by the petitioner and accordingly, the petition in F.C.O.P No.27 of 2019 pending on the file of the Family Court at Erode is directed to be withdrawn and transfer the same to the file of the Principal Sub Court, Pudukottai within a period of four weeks from the date of receipt of copy of this order.

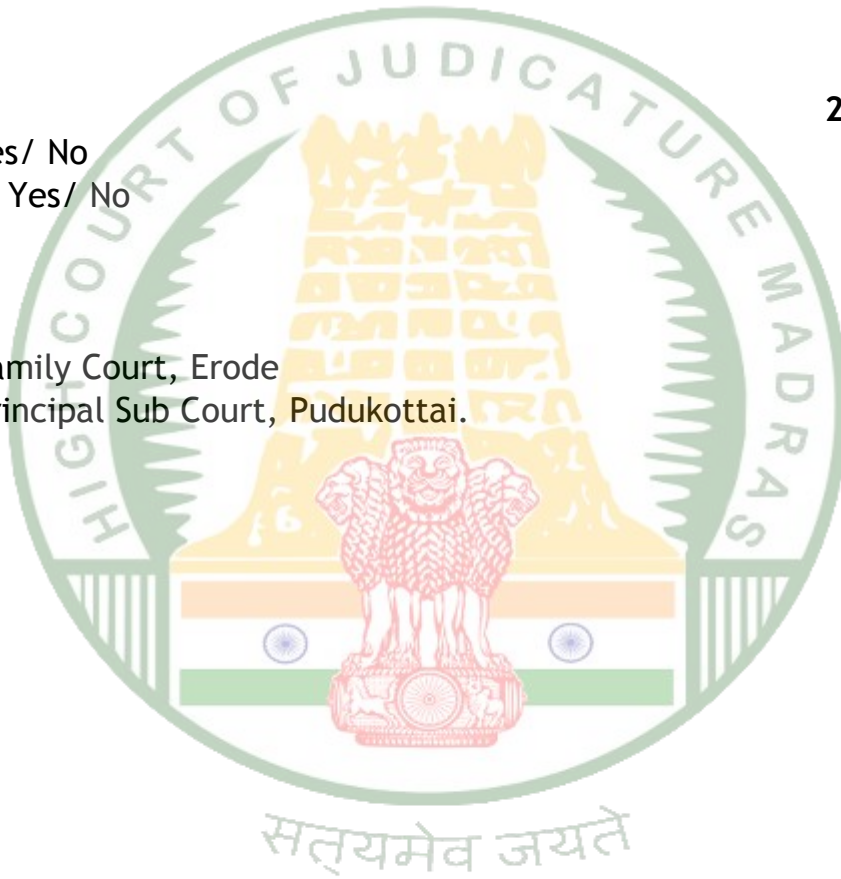
6. With the above observations and directions, this Transfer Civil Miscellaneous Petition is Allowed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Internet: Yes/ No
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To

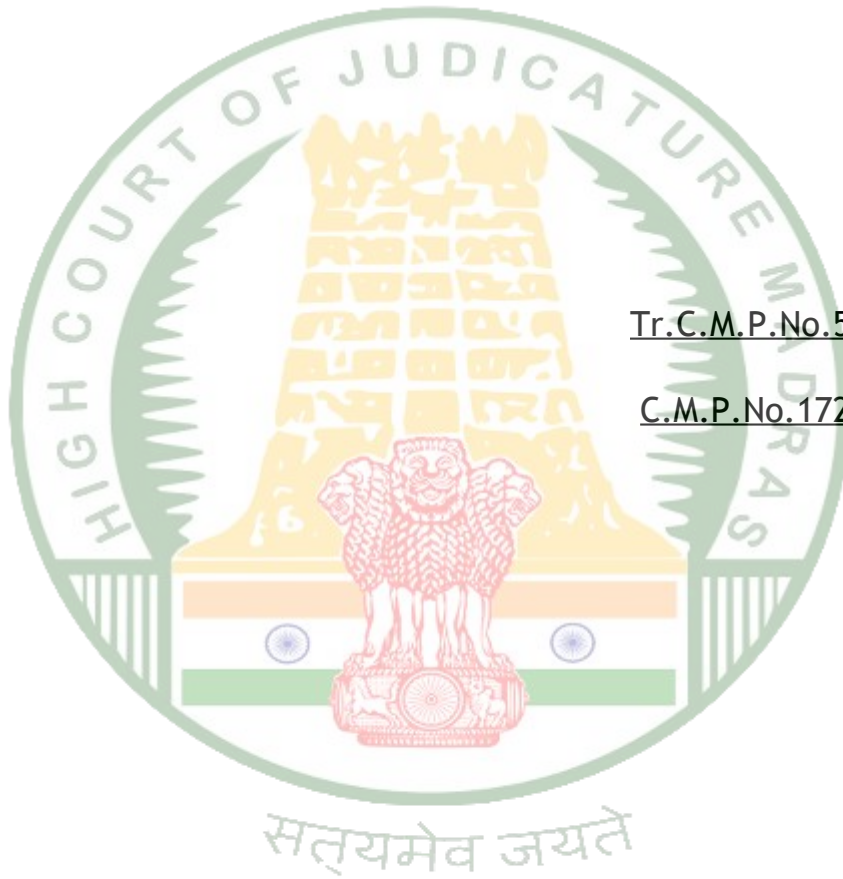
1. The Family Court, Erode
2. The Principal Sub Court, Pudukottai.



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V.BHAVANI SUBBAROYAN.,J.

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