

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.613 of 2019

and

C.M.P.No.17532 of 2019

K.Diviya Priya

... Petitioner/Respondent

Vs.

D.Devibala

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw F.C.O.P.No.100 of 2019 pending on the file of the Family Court, Namakkal and transfer the same to the file of the Sub-Court, Thuraiyur, Thiruchirapalli District.

For Petitioner : Mr.G.Padmanapan

For Respondent : Served
No Appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of F.C.O.P.No.100 of 2019 pending on the file of the Family Court, Namakkal to the file of the Sub-Court, Thuraiyur, Thiruchirapalli District.

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 11.03.2016 at Sri Koolipatti Murugan Temple, Namakkal District, as per Hindu Rites and Customs. After the marriage, the respondent started ill-treating the petitioner, therefore, the petitioner gave a complaint before the All Women Police Station at Namakkal. Since the dispute is a matrimonial dispute, the police advised the respondent not to ill treat the petitioner and not to indulge in any acts of violence. Now the respondent is doing House Keeping Contract in Erode and earning considerable amount through his business. In order to escape from his matrimonial obligations, he has filed a petition for divorce in F.C.O.P.No.100 of 2019 before the Family Court at Namakkal, by making false allegations against the petitioner.

3. It is further stated in the affidavit that the petitioner is presently staying with her parents at Thuraiyur, she has no sources of income and she is depending upon the income of her parents for her livelihood. In this situation, she could not travel to Namakkal Family Court to attend the hearings in F.C.O.P.No.100 of 2019, therefore, she seeks transfer of the same from the file of the Family Court, Namakkal to the file of the Sub-Court, Thuraiyur, Thiruchirapalli.

4. Notice has been served on the respondent, but there is no representation for the respondent.

5. It is seen from the records that the notice was ordered by this Court on 20.08.2019 and as per the order, the Private Notice has been served on 30.08.2019 and the Court Notice has been served on 06.09.2019. In spite of the same, there was no representation for the respondent when the matter was listed on 24.09.2019. Hence, the Registry was directed to verify any vakalat has been filed on behalf of the respondent and to post the matter on 03.10.2019. Subsequently, when the matter is listed today, i.e. on 16.10.2019, again there is no representation for the respondent. Even on 23.09.2019, when the matter was listed, there was no representation for the respondent. Hence, in view of the absence of the respondent, this Court is inclined to transfer the F.C.O.P.No.100 of 2019 from the file of the Family Court, Namakkal to the file of the Sub-Court, Thuraiyur, Thiruchirapalli, as per the prayer sought by the petitioner/wife.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the F.C.O.P.No.100 of 2019 pending on the file of the Family Court, Namakkal is withdrawn and transferred to the file of the Sub-Court, Thuraiyur, Thiruchirapalli. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

raja

To

1. The Presiding Officer,
Family Court,
Namakkal.

2. The Presiding Officer,
Sub-Court, Thuraiyur,
Thiruchirappali.

+1cc to Mr.G.Padmanapan, Advocate SR.No.86320

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SVI (CO)
GMY (06/12/2019)