

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.679 of 2019
and
C.M.P.No.19365 of 2019

Dhanalakshmi

... Petitioner

Vs.

G.Manikandan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.73 of 2019 pending on the file of the Sub Court, Udumalaipettai, Tiruppur District and transfer the same to any other Court which is suitable and having jurisdiction to try the case in Coimbatore Town & District.

For Petitioner : Mr.V.Balamurugan

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of H.M.O.P.No.73 of 2019 pending on the file of the Sub Court, Udumalaipettai, Tiruppur District and transfer the same to any other Court which is suitable and having jurisdiction to try the case in Coimbatore Town & District.

2. The petitioner herein is the wife, who has filed the present Transfer Civil Miscellaneous Petition seeking for withdrawal of H.M.O.P.No.73 of 2019 pending on the file of the Sub Court, Udumalaipettai, Tiruppur District and transfer the same to any other Court which is suitable and having jurisdiction to try the case in Coimbatore Town & District.

3. The learned counsel for the petitioner would submit that the petitioner got married to the respondent on 27.08.2015 at Thathaiyan Thirukoyil, Devarayapuram, Pollachi Taluk, as per the Hindu rites and Custom. Both the parties were living in the respondent's house at Kaniyur, wherein the petitioner could not get any basic facilities. Hence, they had taken a separate house in Krishnapuram, Madathukulam Taluk. During that time, the petitioner was studying in distance education program and the respondent was not taking care of her. Thereafter the petitioner became pregnant and the same was aborted due to improper treatment. Even for small family disputes, the respondent and his parents continuously tortured her and due to the same, she could not able to concentrate in her studies. At present, the petitioner is studying in Private College at Saravanampatti, Coimbatore by staying in hostel.

4. At this situation, the respondent filed H.M.O.P.No.73 of 2019 on the filed of the Sub Court, Udumalaipettai, Tiruppur District, seeking for dissolution of their marriage. The petitioner states that she is now studying in a private college at Saravanampatti, Coimbatore and she could not travel to Udumalaipettai in Tiruppur District to attend the Court. In order to facilitate her to attend the Court, the present Transfer Civil Miscellaneous Petition has been filed.

5. Heard the learned counsel for the petitioner and perused the entire materials on record.

6. Notice was served by the respondent through Court on 19.09.2019 and the private notice returned as 'not claimed'. Therefore, this Court directed the Registry on 01.11.2019, 07.11.2019 and 14.11.2019 to verify whether any vakalat has been filed on behalf of the respondent. However, till date, no vakalat has been filed on behalf of the respondent. Hence, this Court is inclined to take up the matter and pass orders.

7. A perusal of the records would reveal that this Court on 30.10.2019 directed the learned counsel for the petitioner to show some proof or evidence to show that the petitioner is studying in a private college at Saravanampatti, Coimbatore District by staying in the hostel. However, till date the learned counsel for the petitioner could not get any instructions from the said client. Since, the petitioner has not produced any proof or evidence to show that she is studying in a private college at Saravanampatti, Coimbatore, this Court is not inclined to allow this Transfer Civil Miscellaneous Petition as prayed for.

8. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. However, liberty is granted to the parties to file another petition, if the petitioner has a proof or evidence to show that she is studying in a private college at Saravanampatti, Coimbatore, by stating the reasons why she was not able to produce the same in this petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

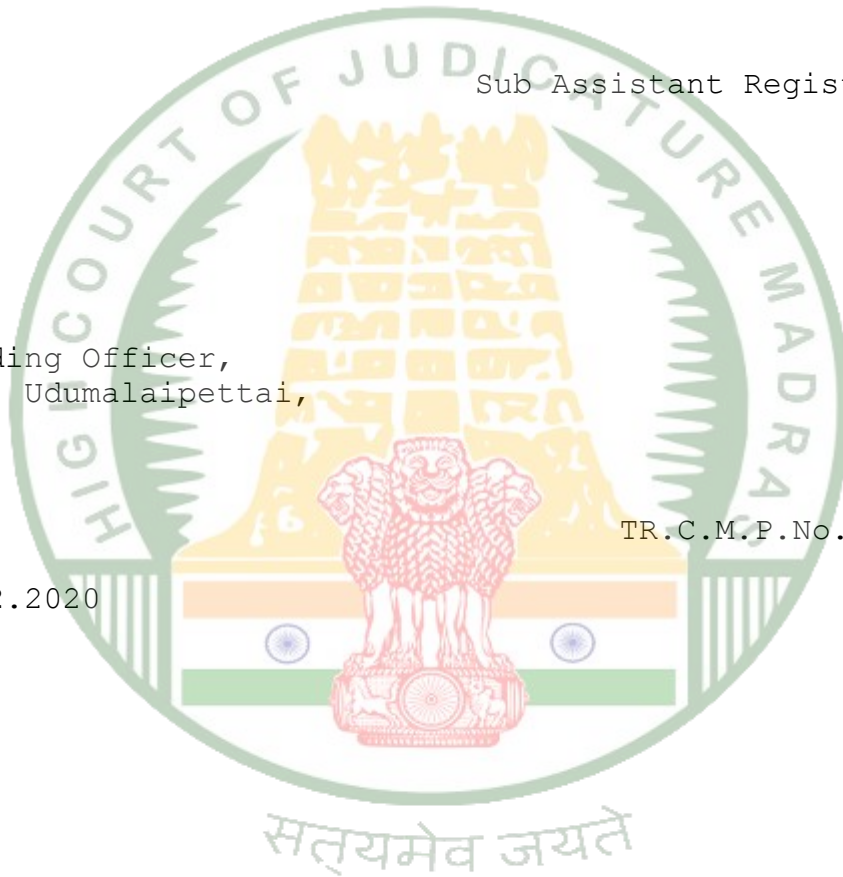
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To

The Presiding Officer,
Sub Court, Udumalaipettai,
Tiruppur.

CP(CO)
CSR: 07.02.2020

TR.C.M.P.No.679 of 2019



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