

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.797 of 2019
and
C.M.P.No.22354 of 2019

C.Mohanapriya ... Petitioner

Vs.

M.Ganesh Respondent

PRAYER: Transfer Civil Miscellaneous Petition, filed under Section 24 of C.P.C., to withdraw the proceedings in HMOP. No,255 of 2018 on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Coimbatore to be tried along with the MC. No.77 of 2019.

For Petitioner : Mr.S.Balaji

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the proceedings in HMOP. No.255 of 2018, on the file of the Family Court, Dindigul and transfer the same to the file of the Family court, Coimbatore to be tried along with the MC. No.77 of 2019.

2. The case of the petitioner is that the Respondent and the petitioner are husband and wife. The marriage was solemnized between the petitioner and the respondent on 18.03.2012 at Sri Meenakshi Thirumana Mandapam, Pollachi as per Hindu Rites and Custom. After marriage, the petitioner was residing in matrimonial home. Thereafter, the respondent and parents demanded dowry from the petitioner and directed her to get her share in her grandmothers property. Due to the employment, the respondent and the petitioner set up a new home at Chennai. Whenever the parents of the respondent came in Chennai, they

were ill-treated the petitioner. Out of the lawful wedlock, a male child was born on 01.08.2013. After birth of the child, the respondent and his parents had never visit the child and did not enquire the same. Thereafter, the petitioner and her child stayed in her parental home. But the respondent has not taken the petitioner and his child to the matrimonial home. Before the elders of both the family, the respondent has taken the petitioner and child to his parental house. But the respondent and his parents, again, started to harass the petitioner and demanded dowry. Hence, the petitioner left the matrimonial home and stayed in parental house along with her child. Thereafter, the respondent has filed a petition in HMOP. No.255 of 2018 for dissolution of marriage before the Family Court, Dindugal and the petitioner has filed a maintenance case in M.C.No.77 of 2019 before the Family Court, Coimbatore. The petitioner/wife is the resident of Coimbatore. She finds it difficult to travel from Coimbatore to Dindugal to attend the hearings. Therefore, she seeks transfer of the divorce petition filed by the husband to Family Court, Coimbatore.

3. The learned counsel for the petitioner/wife would submit that the petitioner is unemployed. The respondent is working in a private Company and earning a sum of Rs.1.5 lakhs per month. Despite having sufficient means, the respondent has neglected to maintain his wife and child. Hence, the petitioner has filed a maintenance petition before the Family Court, Coimbatore in M.C.No.77 of 2019. The petitioner is now living along with her aged parents and she is depending upon her parents for her livelihood. She is facing physical as well as financial hardships. Being a lady, it is very difficult for her to travel alone to Dindugal for attending the Court proceedings. Therefore, it will be appropriate to transfer the case filed by the husband from Family Court, Dindugal to Family Court, Coimbatore.

4. This Court ordered notice to the respondent through Court as well as privately and the same has been served on the respondent. In spite of giving sufficient opportunities, the respondent is not appeared either in person or through his counsel before this Court. Hence, this Court is inclined to dispose of the matter on merits and in accordance with law.

5. It is seen from the records that the petitioner and the respondent are the husband and wife and due to the misunderstanding, they were living separately and they have filed two different cases at two different places for divorce petition and maintenance case respectively.

6. Considering the convenience of the parties and physical hardship caused to the petitioner/wife and in order to avoid conflicting orders, this Court is inclined to transfer the case from Dindugal to Coimbatore. Accordingly, HMOP. No.225 of 2018 pending on the file of Family Court, Dindugal is withdrawn and transferred to the file of Family Court, Coimbatore, to be tried along with M.C.No.77 of 2019 pending therein.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Dindugal.
- 2.The Judge, Family Court, Coimbatore.

+1cc to Mr.S.Balaji, Advocate Sr.No.99157

AKM/20.01.2020/3P-4C/
AKM/14.02.2020

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