

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.660 of 2017

U.Padmapriya

..Petitioner

-vs-

A.Dhanachezhian

..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.29 of 2017 pending on the file of the Sub Court, Ponneri and transfer the same to the Sub Court at Chengalpattu.

For Petitioner :: Mr.P.B.Balaji

For Respondent :: No appearance

ORDER

The petitioner- Mrs.U.Padmapriya, Wife of Mr.A.Dhanachezhian, the respondent herein has come to this Court seeking an order to withdraw the pending H.M.O.P.No.29 of 2017 filed by the respondent on the file of the Sub Court, Ponneri seeking divorce under Section 13(1)(ia) of the Hindu Marriage Act and transfer the same to the Sub Court, Chengalpattu, on the ground that the petitioner is having a girl child aged about 3 years now and she is also employed as a teacher in St.Mary's School, Guduvanchery.

2. This Court, taking note of the fact that the petitioner being a lady is unable to undertake a long journey of about 60 kms., from Guduvanchery to Ponneri along with the girl child aged about 3 years, issued notice to the respondent. But the Registry record shows that the notice sent to the respondent has been returned with an endorsement 'left'. On the liberty granted to the learned counsel for the petitioner to take out private notice, the same also returned with an endorsement 'no such person'. In such circumstances, learned counsel for the petitioner sought permission to effect paper publication in any local daily having wide circulation in Chennai indicating the date of hearing on 31.7.2019. In view thereof, the petitioner also has taken out paper publication in "Malaichudhar" Tamil daily dated 3.7.2019. Even after the paper publication given by

the petitioner in "Malaichudhar" Tamil daily mentioning that the case will be taken up at 10.30 AM on 31.07.2019, no one has turned up to this Court. Therefore, when the service of notice on the respondent is complete, it goes without saying that the respondent has no objection for allowing the transfer civil miscellaneous petition. Secondly, when the petitioner is also employed in a private school and having three year old girl child, it is highly difficult to undertake a long journey with the small child. Hence, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.29 of 2017 is withdrawn from the file of Sub Court, Ponneri and transferred to the Sub Court, Chengalpattu for disposal on merits. Consequently, C.M.P.No.12992 of 2017 is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge
Ponneri

2. The Subordinate Judge
Chengalpattu.

+1cc to Mr.P.B.Ramanujam, Advocate, S.R.No.65725

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RRS(29/08/2019)