

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.38 of 2020
and CMP No.1047 of 2020

Rajathi
W/o R.Jeganathan .. Petitioner

-vs-

R.Jeganathan ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the F.C.H.M.O.P.No.154 of 2019 on the file of the Family Court, Dharmapuri and transfer the same to the Sub Court at Arakkonam, Vellore District.

For Petitioner :: Mr.B.Sridhar

For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.Rajathi, Wife of Mr.R.Jeganathan, the respondent herein, after solemnization of marriage with the respondent on 4.12.2008 at Boopathi Thirumana Mandapam, Dharmapuri District, as per the Hindu rites and customs, was living happily in the matrimonial home. Out of the said wedlock, on 22.5.2010, one male child was also born, namely, Tharvin Rajesh at Uma Natarajan Hospital, Arakkonam, who is aged about 8 years. The petitioner has been taking care of the child by giving him proper education. While so, when domestic problems led to various cruelties, both the petitioner and the respondent started to live separately. Although steps were taken for re-union, the respondent and his family members are not accepting the same. Later on, they also filed F.C.H.M.O.P.No.154 of 2019 before the Family Court, Dharmapuri seeking divorce and the said petition is pending. Since the petitioner and her son aged about 8 years along with her father and mother are staying at Arakkonam, Vellore District, without there being any income, finding it very difficult to maintain the family, she filed

M.C.No.3 of 2012 before the learned Judicial Magistrate, Arakkonam seeking monthly maintenance for herself and her son. Considering the plight of the petitioner, the learned Judicial Magistrate, Arakkonam was also pleased to allow the petition by directing the respondent to pay monthly maintenance to the petitioner in his order dated 22.6.2015. Since the distance between Arakkonam and Dharmapuri is about 250 Kms., it will be very difficult to undertake a long journey with her son. Therefore, learned counsel for the petitioner sought for withdrawal of the F.C.H.M.O.P.No.154 of 2019 from the file of the Family Court, Dharmapuri and transfer the same to the file of the Sub Court, Arakkonam, Vellore District. He has also filed the proof affidavit to show that when notice was issued and when private notice was also sent by registered post to the respondent, the respondent has refused to receive the same. The postal receipt is also filed along with the proof affidavit showing that the respondent is not prepared to receive the summons.

3. Considering the fact that the petitioner is having a son aged about 8 years and also the further fact that the distance between Arakkonam and Dharmapuri is about 250 Kms., it will be difficult for the petitioner to undertake a long journey with her son. Since none has appeared for the respondent also, the transfer civil miscellaneous petition stands allowed and the F.C.H.M.O.P.No.154 of 2019 is withdrawn from the file of the Family Court, Dharmapuri and transferred to the file of the Sub Court, Arakkonam, Vellore District for an expeditious disposal on merits. Consequently, C.M.P.No.1047 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Family Court Judge,
Dharmapuri.
2. The Subordinate Judge,
Arakkonam.

+1cc to M/s.M.Senthil Kumar, Advocate Sr.26187

Tr.C.M.P.No.38 of 2020

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srg 07/08/2020