

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.119 of 2020

R.Preethi

.. Petitioner

Versus

K.Haribaskaran

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw M.O.P.No.7 of 2019 pending on the file of learned Family Court, Puducherry, and to transfer the same to the file of learned Sub-Court, Tindivanam.

For Petitioner : Mr.M.P.Rajavelayutham

For Respondent : No Appearance

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. Mrs.R.Preethi/petitioner herein, wife of Mr.K.Haribaskaran/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer M.O.P.No.7 of 2019 from the file of learned Family Court, Puducherry, to the file of learned Sub-Court, Tindivanam. The above said MOP was filed by the respondent/husband seeking for divorce under Section 13(ia)&(ib) of the Hindu Marriage Act.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 5.12.2016 at Murugan Sannathi, Villupuram, in accordance with Hindu Rites and Customs. After the marriage, both the husband and wife came to Mannargudi from Villupuram and after some time, the respondent again got transferred to Puducherry and he is presently working as Assistant in the office of Sub-Registrar, Puducherry. Out of the said wedlock, a male child was born to them on 01.06.2018 in Rajiv Gandhi Child and Women Hospital, Puducherry. But, unfortunately, due to ill-health, the baby also died on 24.09.2018. Subsequently, it is alleged, the petitioner/wife

was ill-treated by the respondent/husband and his family members, resultantly, she was thrown out from the matrimonial home and hence, she has lodged a police complaint before All Women Police Station, Puducherry. Pending enquiry, the respondent/husband filed M.O.P.No.7 of 2019 on the file of learned Family Court, Puducherry, seeking for divorce.

4. It is further submitted that although the petitioner/wife is ready for reunion, the respondent/husband, who is working as Assistant in the office of Sub-Registrar, Puducherry, is not ready for union. It is also argued that the petitioner/wife is living with her aged parents at Kilsiviri Village, Villpuram District, and therefore, if the case is transferred to the file Sub-Court, Tindivanam, it will be convenient for her to attend the case as the distance is only 20 kms. from her native village.

5. Although notice through Court as well as privately was served on the respondent/husband, it was returned as unclaimed and to that effect, learned counsel for the petitioner/wife has also filed a proof of service. Such an conduct of the husband shows that the respondent/husband, who is working as Assistant in Sub-Registrar Office, has deliberately refused to receive the notice and that he has no objection in transferring the case to the file of learned Sub-Court, Tindivanam. Secondly, the petitioner and the respondent are the residents of Tindivanam. Thirdly, if the case is transferred to the file of learned Sub-Court, Tindivanam, the distance is only 20 kms., from Kilsiviri Village, where the wife resides. Therefore, accepting the balance of convenience in favour of wife, M.O.P.No.7 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Puducherry, consequently, transferred to the file of learned Sub-Court, Tindivanam. On such transfer, learned Sub-Court, Tindivanam, shall dispose of the same in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.4186 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge, Tindivanam.

2.The Judge, Family Court, Puducherry.

+1 cc to Mr.Elangovan, Advocate in SR.27488

Tr.C.M.P.No.119 of 2020

MG (CO)
RV (21/09/2020)



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