

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.180 of 2020

S.Kovarthini

.. Petitioner

Versus

S.Sarath Babu

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.1674 of 2019 pending on the file of learned Additional Family Court, Coimbatore, and to transfer the same to the file of learned Family Court, Erode.

For Petitioner : Mr.V.Regunathan

For Respondent : No Appearance

O R D E R

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

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.1674 of 2019 from the file of learned Additional Family Court, Coimbatore, to the file of learned Family Court, Erode. The above said HMOP was filed by the respondent/husband seeking for divorce.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 19.06.2015 at Dravidar Kalagam Office as Suyamariathai Marriage. It is stated that the petitioner/wife has completed MCA and the respondent/husband has completed MBA and he is working as Senior Revenue Inspector, Coimbatore. Out of the said wedlock, they were blessed with a female child on 27.10.2016, now she is aged about 4 years. After the birth of child, she came to her parental home and thereafter, they never came to see the child at her parental home. Finally, all of a sudden, the respondent/husband has filed H.M.O.P.No.1674 of 2019 on the file of learned Additional Family Court, Coimbatore, seeking for divorce. It is further submitted that the petitioner/wife is presently living with her parents at Erode and she is also having the custody of her

4 years old female child and therefore, it is difficult for her to undertake long journey from Coimbatore to Erode, which is more than 100 kms., to attend each and every hearing. On this basis, learned counsel prayed for transferring the case filed by the husband to the file of learned Family Court, Erode.

4. Although Court notice is served on the respondent/husband, no one represented the case on behalf of him, that shows that he has no objection in transferring the case to the file of learned Family Court, Erode. Secondly, the petitioner/wife is having 4 years old female child in her custody and therefore, it is not feasible for her to undertake long journey from Erode to Coimbatore, which is more than 100 kms., to attend each and every hearing. Thus, considering the balance of convenience in favour of the petitioner/wife, H.M.O.P.No.1674 of 2019 filed by the husband is withdrawn from the file of learned Additional Family Court, Coimbatore, consequently, transferred to the file of learned Family Court, Erode. On such transfer, learned Family Court, Erode, 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.5811 of 2020 is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rkm

To

1.The Additional Judge, सत्यमेव जयते
Family Court, Coimbatore.

2.The Judge,
Family Court, Erode.

A.SK(10/09/2020)

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