

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.190 of 2020

Sudha

... Petitioner

-VS-

Raja

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to order for the withdrawal of the petition in H.M.O.P. No.19 of 2020 pending on the file of the Subordinate Court, Sathiyamangalam and to transfer the same to the file of Principal Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.V.Prakashbabu

For Respondent : No appearance

ORDER

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the H.M.O.P. No.19 of 2020 pending on the file of the Subordinate Court, Sathiyamangalam to the file of the Principal Subordinate Court, Tiruvannamalai.

2.Learned counsel appearing for the petitioner would submit that after the marriage solemnised on 22.08.1999 according to Hindu rites and customs at Mariyamman Koil, Thenimalai, Tiruvannamalai, the petitioner and the respondent were blessed with two daughters, namely, Udhaya and Nithya, aged about 19 and 17 years respectively and they are now under the care and custody of the petitioner. Learned counsel appearing for the petitioner would further submit that the respondent is doing Carpentry work and earning more than Rs.25,000/- per month. Till the year 2008, the petitioner, the respondent and their children were jointly living at Pennadam and during January 2008, the respondent eloped with one Ambiga, who is already married with one Senthil and settled at Sathiyamangalam. Since the respondent's mobile number was not activated, the whereabouts of the respondent were not known to the petitioner. As the respondent deserted the petitioner from January 2008, the petitioner found it very difficult to maintain herself and her children for eking out their livelihood. Learned counsel for the petitioner would further submit that now the petitioner's daughter Udhaya is studying B.Sc. II year Computer Science at Kamban Arts College, Tiruvannamalai and the second daughter Nithya is studying +2 at Thandrapet Government Higher Secondary School and that the

petitioner is residing in her parents house at Kilsirupakkam Village, Chengam Taluk along with her children. Therefore, the petitioner is before this Court seeking transfer of the H.M.O.P. No.19 of 2020 filed by the respondent before the Subordinate Court, Sathiyamangalam for the relief of divorce by making false allegations against the petitioner. As the petitioner is facing great difficulty in travelling 300 kms. for each and every hearing from Tiruvannamalai to Sathiyamangalam, H.M.O.P. No.19 of 2020 pending on the file of the Subordinate Court, Sathiyamangalam be transferred to the file of the Principal Subordinate Court, Tiruvannamalai.

3. Taking note of the facts that although notice has been served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the H.M.O.P. No.19 of 2020 pending on the file of the Subordinate Court, Sathiyamangalam to the file of the Principal Subordinate Court, Tiruvannamalai. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.19 of 2020 pending on the file of the Subordinate Court, Sathiyamangalam is withdrawn and transferred to the file of the Principal Subordinate Court, Tiruvannamalai.

T.RAJA,J.

vga

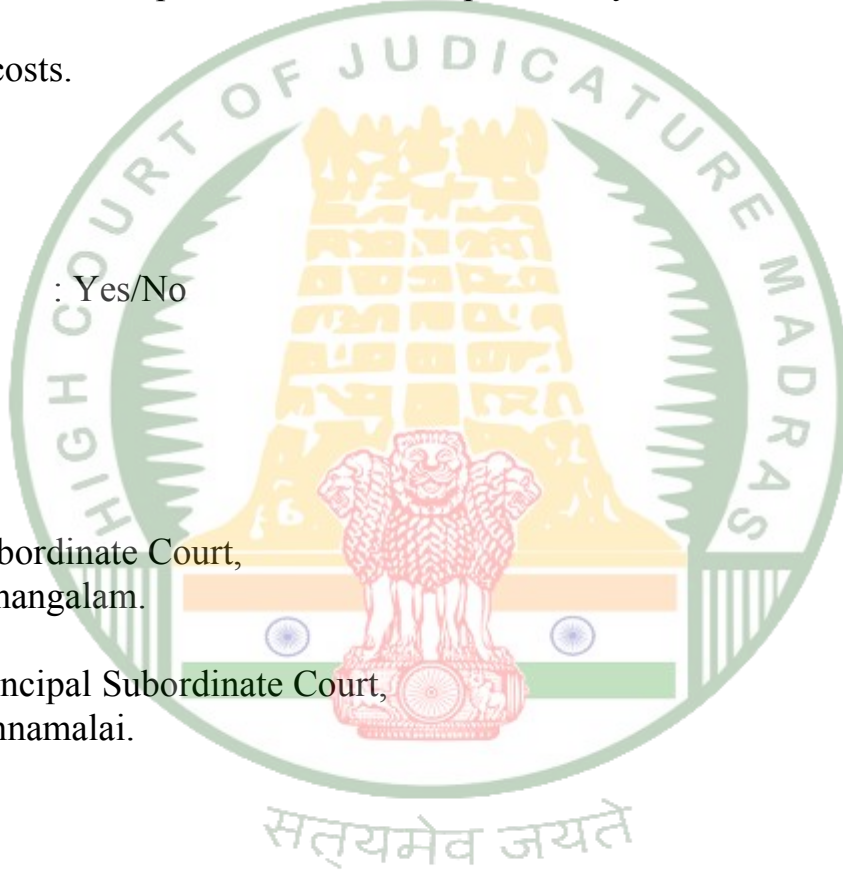
4.The Principal Subordinate Court, Tiruvannamalai is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs.

01.10.2020

Index : Yes/No
vga

To

- 1.The Subordinate Court,
Sathiyamangalam.
- 2.The Principal Subordinate Court,
Tiruvannamalai.



Tr. C.M.P. No.190 of 2020

WEB COPY