

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.230 of 2020

Madhubala

W/o S.Nandhakumar

.. Petitioner

-VS-

S.Nandhakumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.15 of 2020 on the file of the Sub Court at Dharapuram and transfer the same to the Family Court, Salem or any other Court.

For Petitioner :: Mr.R.Nalliyappan

For Respondent :: No appearance

ORDER

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

2. The petitioner, Mrs.Madhubala, Wife of Mr.S.Nandhakumar, the respondent herein has filed this transfer civil miscellaneous petition seeking for transfer of the H.M.O.P.No.15 of 2020 filed by the respondent for divorce from the file of the Sub Court, Dharapuram to the file of the Family Court, Salem for disposal.

2. Mr.R.Nalliyappan, learned counsel appearing for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 24.11.2017 at Varthakar Kazhaga Thirumana Mandapam, Dharapuram, as per the Hindu rites and customs. After the marriage, the respondent was working at Radha Mills at Coimbatore and started having affairs with one Durga, aged about 27 years, Daughter of Sankaralingam. When the petitioner was five months pregnant, the respondent eloped with the said lady on 17.5.2018 and their whereabouts were not known. Therefore, under the said circumstances, a complaint was given before the Race Course Police Station, Law & Order, Coimbatore to secure the custody of the said Durga from the respondent

husband. Accordingly, the respondent and the said lady were secured by the police officials on 25.5.2018. Thereafter, the petitioner and the respondent were living together. Once again, when the petitioner has given birth to a child, again the respondent disappeared and subsequently, he has also filed the H.M.O.P.No.15 of 2020 on the file of the Sub Court, Dharapuram for divorce on the ground of cruelty against the petitioner. Since the distance between Salem and Dharapuram is about 80 Kms., the petitioner along with the small girl child is unable to undertake a long journey. Therefore, the H.M.O.P.No.15 of 2020 may be withdrawn from the file of the Sub Court, Dharapuram and transferred to the file of the Family Court at Salem, he pleaded.

3. Although notice was served on the respondent, none has appeared. That shows that the respondent has no objection for allowing the transfer civil miscellaneous petition. Secondly, the petitioner cannot undertake a long journey along with the girl child from Salem to Dharapuram. Thirdly, it is stated that the respondent already eloped with another lady and he was secured by the police officials on 25.5.2018. Thereafter, the respondent has once again deserted the petitioner. Hence, accepting the balance of convenience in favour of the petitioner, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.15 of 2020 is withdrawn from the file of the Sub Court, Dharapuram and transferred to the file of the Family Court, Salem for an expeditious disposal on merits. Consequently, C.M.P.No.6959 of 2020 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Dharapuram
2. The Family Court Judge,
Salem

Tr.C.M.P.No.230 of 2020

A.SK(06/11/2020)