

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.422 of 2020 and
C.M.P. No.8258 of 2020

Suguna

... Petitioner/Respondent

-VS-

S.Jayakumar

... Respondent /Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the case in F.C.O.P. No.23 of 2020 pending before the learned Family Court, Namakkal and transfer the same to the learned Family Court, Erode.

For Petitioner : Mr.A.M.Amutha Ganesh

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the F.C.O.P. No.23 of 2020 pending on the file of the Family Court, Namakkal to the file of the Family Court, Erode.

2.Learned counsel appearing for the petitioner would submit that after the marriage solemnised on 15.09.2016 in the presence of well wishers and both the family, the petitioner and the respondent were blessed with a female child by name Nethashree. Learned counsel appearing for the petitioner would further submit that though the petitioner expressed her love and affection towards the respondent and discharged her duties to the respondent and his family members as a dutiful wife, the respondent, who is a habitual drunkard, picked up quarrel with the petitioner and beat her very brutally frequently, without any valid reason. When the petitioner questioned the same, the respondent insulted her and thereby caused mental and physical harassments in the matrimonial home. When the same was questioned by the elders of the family, the respondent deserted the petitioner and the child and filed a divorce petition in F.C.O.P. No.23 of 2020 before the Family Court, Namakkal with false and baseless allegations. Thereafter, the petitioner came

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to her parental home at Erode. Learned counsel for the petitioner would further submit that the respondent is working as an Electrician in a Garments Company by name M/s.Rich Castle Exports at Erode District and drawing the decent salary. As the petitioner is facing great difficulty in travelling 60 kms. for each and every hearing from Erode to Namakkal and the respondent is working in Erode District, F.C.O.P. No.23 of 2020 pending on the file of the Family Court, Namakkal be transferred to the file of the Family Court, Erode.

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 and the respondent is also working in Erode District, where the petitioner is residing with her 2 years small child, this Court is inclined to transfer the F.C.O.P. No.23 of 2020 pending on the file of the Family Court, Namakkal to the file of the Family Court, Erode. Accordingly, the Tr. C.M.P. is allowed and the F.C.O.P. No.23 of 2020 pending on the file of the Family Court, Namakkal is withdrawn and transferred to the file of the Family Court, Erode.

4.The Family Court, Erode is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.8258 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Family Court,
Namakkal.

2.The Family Court, Erode.

+1cc to M/s.A.M.Amutha Ganesh, Advocate SR.32257

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KJ(CO)
CB(05/11/2020)

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